

Title 392 WAC

PUBLIC INSTRUCTION, SUPERINTENDENT OF

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**DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLE**

**Chapter 392-08
PRACTICE AND PROCEDURE**

392-08-010	Appearance and practice before the state superintendent of public instruction—Who may appear. [Regulation .08.010, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.	392-08-270	Protection of parties and deponents. [Regulation .08.270, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-020	Appearance in certain proceedings may be limited to attorneys. [Regulation .08.020, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.	392-08-280	Oral examination and cross-examination. [Regulation .08.280, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-030	Solicitation of business unethical. [Regulation .08.030, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.	392-08-290	Recordation. [Regulation .08.290, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-040	Standards of ethical conduct. [Regulation .08.040, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.	392-08-300	Signing attestation and return. [Regulation .08.300, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-050	Appearance by former employee of state superintendent or former member of attorney general's staff. [Regulation .08.050, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.	392-08-310	Use and effect. [Regulation .08.310, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-060	Former employee as an expert witness. [Regulation .08.060, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-320	Fees of officers and deponents. [Regulation .08.320, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-070	Computation of time. [Regulation .08.070, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-330	Depositions upon interrogatories—Submission of interrogatories. [Regulation .08.330, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-080	Notice and opportunity for hearing in contested cases. [Regulation .08.080, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-340	Interrogation. [Regulation .08.340, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-090	Service of process—By whom served. [Regulation .08.090, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-350	Attestation and return. [Regulation .08.350, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-100	Upon whom served. [Regulation .08.100, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-360	Provisions of deposition rule. [Regulation .08.360, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-110	Service upon parties. [Regulation .08.110, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-370	Official notice—Matters of law. [Regulation .08.370, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-120	Method of service. [Regulation .08.120, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-380	Material facts. [Regulation .08.380, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-130	When service complete. [Regulation .08.130, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-390	Presumptions. [Regulation .08.390, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-140	Filing with agency. [Regulation .08.140, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-400	Stipulations and admissions of record. [Regulation .08.400, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-230	Depositions and interrogatories in contested cases—Right to take. [Regulation .08.230, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-410	Form and content of decisions in contested cases. [Regulation .08.410, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-240	Scope. [Regulation .08.240, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-420	Definition of issues before hearing. [Regulation .08.420, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-250	Officer before whom taken. [Regulation .08.250, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-430	Prehearing conference rule—Authorized. [Regulation .08.430, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-260	Authorization. [Regulation .08.260, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.	392-08-440	Record of conference action. [Regulation .08.440, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-450	Submission of documentary evidence in advance. [Regulation .08.450, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-460	Excerpts from documentary evidence. [Regulation .08.460, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-470	Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Regulation .08.470, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-480	Written sworn statements. [Regulation .08.480, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-490	Supporting data. [Regulation .08.490, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-500	Effect of noncompliance with 392-08-470 or 392-08-480. [Regulation .08.500, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-510	Continuances. [Regulation .08.510, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-520	Rules of evidence—Admissibility criteria. [Regulation .08.520, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-530	Tentative admission—Exclusion—Discontinuance—Objections. [Regulation .08.530, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-540	Petitions for rule making, amendment or repeal—Who may petition. [Regulation .08.540, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-550	Requisites. [Regulation .08.550, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-560	Agency must consider. [Regulation .08.560, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-570	Notice of disposition. [Regulation .08.570, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-580	Declaratory rulings. [Regulation .08.580, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-590	Forms. [Regulation .08.590, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
		392-08-600	Administrative practices regarding hearings and rule proceedings. [Order 1-75, § 392-08-600, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-10
CONFLICT OF INTEREST

- 392-10-010 Purpose and effect. [Order 73, § 392-10-010, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-005.
- 392-10-020 Prohibited practices in general. [Order 73, § 392-10-020, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-010, 392-103-015 and 392-103-020.
- 392-10-030 Disqualification. [Order 73, § 392-10-030, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-025.
- 392-10-040 Permissible transactions. [Order 73, § 392-10-040, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-040.
- 392-10-050 Permissible outside employment. [Order 73, § 392-10-050, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-045.
- 392-10-060 Former employees—Prohibited practices. [Order 73, § 392-10-060, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-035.
- 392-10-070 Appointed advisory committee members. [Order 82, § 392-10-070, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-030.

Chapter 392-12
ACCESS TO PUBLIC RECORDS

- 392-12-010 Access to public records. [Order 81, § 392-12-010, filed 9/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-105-010, 392-105-015, 392-105-020, 392-105-025 and 392-105-030.

Chapter 392-13
WORK STOPPAGE—STRIKES—
PROCEDURES FOR APPROVAL/DISAPPROVAL—
STATE EQUALIZATION APPORTIONMENT

- 392-13-010 Purpose. [Order 75, § 392-13-010, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-005.
- 392-13-020 Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period. [Order 75, § 392-13-020, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-015.
- 392-13-030 Strike defined. [Order 75, § 392-13-030, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-010.
- 392-13-040 Work stoppages and maintenance of approved programs for less than 180 days not condoned. [Order 75, § 392-13-040, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-020.
- 392-13-050 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. [Order 75, § 392-13-050, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-025.

Chapter 392-14
EMERGENCY SCHOOL CLOSURES—APPORTIONMENT

- 392-14-010 Purpose and construction. [Order 69, § 392-14-010, filed 4/18/74; Order 14, filed 5/23/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-005.
- 392-14-020 Definitions. [Order 69, § 392-14-020, filed 4/18/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-010.
- 392-14-030 Superintendent's determination of eligibility. [Order 69, § 392-14-030, filed 4/18/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-015.
- 392-14-040 Kindergarten and grade one through twelve programs considered separately. [Order 69, § 392-14-040, filed 4/18/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-020.

Chapter 392-15
INTERDISTRICT COOPERATION

- 392-15-715 Authority. [Order 21, § 392-15-715, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.
- 392-15-720 Additional weighting support. [Order 32, § 392-15-720, filed 10/13/70; Order 21, § 392-15-720, filed 12/30/69.]

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Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-925 and 392-135-025.

Additional weighting support—Entrusted children. [Order 21, § 392-15-725, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.

Additional weighting support—Students resident on nontaxable state or political subdivision property. [Order 21, § 392-15-730, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.

Program types. [Order 21, § 392-15-735, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-910 and 392-135-015.

Application—Requirements for approval. [Order 21, § 392-15-740, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-915, 392-135-020.

Approval by superintendent of public instruction prerequisite for state funds. [Order 21, § 392-15-745, filed 12/30/69.] Repealed by Order 7-75, filed 12/22/75.

Vocational-technical schools. [Order 21, § 392-15-750, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-930.

Tuition to be set by superintendent of public instruction under certain conditions. [Order 21, § 392-15-755, filed 12/30/69.] Repealed by Order 7-75, filed 12/22/75.

Duties of intermediate district superintendent. [Order 21, § 392-15-760, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-935.

Attendance reports by resident districts. [Order 21, § 392-15-765, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-940.

Cooperative financing of construction. [Order 21, § 392-15-770, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-945 and 392-135-030.

Purpose. [Order 78, § 392-15-800, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-005.

Definitions. [Order 78, § 392-15-805, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-010.

Persons entitled to attend—Tuition free. [Order 78, § 392-15-810, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-015.

Nonresident minor students—Mutual agreement between resident and nonresident districts required. [Order 78, § 392-15-815, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-020.

Nonresident adult students—Agreement between adult and nonresident district required. [Order 78, § 392-15-820, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-025.

Resident adult students who are twenty-one years of age or older—Agreement required. [Order 78, § 392-15-825, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-030.

Contents of agreements between adults and nonresident or resident districts and between resident and nonresident districts in behalf of minor nonresidents. [Order 78, § 392-15-830, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-035.

District policies—Procedures and criteria for release of resident students and admission of nonresident students. [Order 78, § 392-15-835, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-040.

Tuition—Amounts—Lack of agreement between resident and nonresident districts—Deposit. [Order 78, § 392-15-840, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-045.

State apportionment credit—Grades one through eight—Grades nine through twelve. [Order 78, § 392-15-845, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75.

Procedure for obtaining nonresident attendance credit—Notices—Forfeiture of state apportionment. [Order 78, § 392-15-850, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-045.

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- 392-15-855 Agreements and policies deemed approved—Retention and filing of. [Order 78, § 392-15-855, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-050.
- 392-15-900 Purpose. [Order 90, § 392-15-900, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-005.
- 392-15-905 Definitions. [Order 90, § 392-15-905, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-010.
- 392-15-910 Program types. [Order 90, § 392-15-910, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-015.
- 392-15-915 Application—Requirements for approval. [Order 90, § 392-15-915, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-020.
- 392-15-920 Approval by superintendent of public instruction prerequisite for state funds. [Order 90, § 392-15-920, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-925 Additional weighting support. [Order 90, § 392-15-925, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-025.
- 392-15-930 Vocational-technical schools. [Order 90, § 392-15-930, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-935 Duties of intermediate district superintendent. [Order 90, § 392-15-935, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-940 Attendance reports by resident districts. [Order 90, § 392-15-940, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-945 Cooperative financing of construction. [Order 90, § 392-15-945, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-030.

Chapter 392-20**APPROVED SCHOOL TRANSPORTATION GUIDE**

- 392-20-010 School districts—General authority to provide transportation. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-20-020 Applications for exceptions. [Rules (part), filed 8/31/65.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-035.
- 392-20-030 Transportation routes. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-20-040 Age of pupils. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-20-050 Cost reimbursement. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-21**SPECIFICATIONS FOR SCHOOL BUSES**

- 392-21-005 Applicable statutes. [Order 53, § 392-21-005, filed 9/6/72; Reference to statutes, filed 9/10/65.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-010 School bus specifications. [Specifications for school buses (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-012 School bus chassis. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-014 School bus body. [Specifications for school buses (part), filed 9/10/65; Specifications (part), filed 7/23/64, effective 1/1/65; Section 1, filed 2/14/63; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-016 Conversion vehicles. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-018 Specification illustrations. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-040 List of chassis models approved to date for use under bus bodies of maximum capacities indicated, providing they comply with other school bus specifications. [Approved chassis list, dated March 1958 and filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-050 Forms—School bus chassis weight and body dimensions information. [Form, filed 3/22/60.] Repealed by Order 53, filed 9/6/72.

- 392-21-055 Forms—School bus purchase information. [Form T-5, filed 6/17/63; Form T-5, filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-060 Forms—School bus rebuilding information. [Form T-10, filed 6/17/63; Form T-10, filed 2/14/63.]
- 392-21-100 Authority for minimum standards for public school buses. [Order 53, § 392-21-100, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-005.
- 392-21-105 Authority of district boards. [Order 53, § 392-21-105, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-025.
- 392-21-110 Definition of school bus. [Order 59, § 392-21-110, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-110, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-010.
- 392-21-115 School bus operation permit, inspection and license. [Order 53, § 392-21-115, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-030.
- 392-21-120 Inspections. [Order 53, § 392-21-120, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-035.
- 392-21-125 Inspection of rebuilt school buses. [Order 53, § 392-21-125, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-040.
- 392-21-130 Compliance with federal motor vehicle safety standards. [Order 59, § 392-21-130, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-130, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
- 392-21-135 Compliance with Washington specifications. [Order 59, § 392-21-135, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-135, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
- 392-21-140 Types of vehicles. [Order 59, § 392-21-140, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-140, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-145 Appeal for exception vehicles. [Order 53, § 392-21-145, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-045.
- 392-21-150 Regulations for resold school buses. [Order 53, § 392-21-150, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-050.
- 392-21-155 Responsibility of dealers and manufacturers. [Order 53, § 392-21-155, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-055.
- 392-21-160 Amendment of specifications. [Order 53, § 392-21-160, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-165 Effective date of specifications. [Order 59, § 392-21-165, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-165, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-170 School bus chassis specifications. [Order 59, § 392-21-170, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-170, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-175 Air cleaner. [Order 53, § 392-21-175, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-180 Axles. [Order 53, § 392-21-180, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-185 Battery. [Order 53, § 392-21-185, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-190 Brakes. [Order 53, § 392-21-190, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-195 Bumper, front. [Order 53, § 392-21-195, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-200 Certification. [Order 53, § 392-21-200, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-205 Clutch assemblies. [Order 53, § 392-21-205, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-210 Color. [Order 53, § 392-21-210, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-215 Drive shaft. [Order 53, § 392-21-215, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-220 Electrical system. [Order 53, § 392-21-220, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-225 Exhaust system. [Order 53, § 392-21-225, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-230 Fenders, front. [Order 53, § 392-21-230, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

392-21-235	Frame. [Order 53, § 392-21-235, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-490	Heaters. [Order 53, § 392-21-490, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-240	Frame lengths. [Order 53, § 392-21-240, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-495	Identification. [Order 53, § 392-21-495, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-245	Fuel tank. [Order 53, § 392-21-245, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-500	Inside height. [Order 53, § 392-21-500, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-250	Generator or alternator. [Order 53, § 392-21-250, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-505	Insulation. [Order 53, § 392-21-505, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-255	Governor. [Order 53, § 392-21-255, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-510	Interior. [Order 53, § 392-21-510, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-260	Heating system, provision for. [Order 53, § 392-21-260, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-515	Lamps and signals. [Order 53, § 392-21-515, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-265	Horn. [Order 53, § 392-21-265, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-520	Metal treatment. [Order 53, § 392-21-520, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-270	Instruments and instrument panel. [Order 53, § 392-21-270, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-525	Mirrors. [Order 53, § 392-21-525, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-275	Oil filter. [Order 53, § 392-21-275, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-530	Mounting. [Order 53, § 392-21-530, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-280	Openings. [Order 53, § 392-21-280, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-535	Overall length. [Order 53, § 392-21-535, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-285	Passenger load. [Order 53, § 392-21-285, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-540	Overall width. [Order 53, § 392-21-540, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-290	Power and gradeability—(See WAC 392-21-800 for formula). [Order 53, § 392-21-290, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-545	Permit holder. [Order 53, § 392-21-545, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-295	Shock absorbers. [Order 53, § 392-21-295, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-550	Posts. [Order 53, § 392-21-550, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-300	Springs. [Order 53, § 392-21-300, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-560	Racks. [Order 53, § 392-21-560, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-305	Steering gear. [Order 53, § 392-21-305, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-565	Rub rails. [Order 53, § 392-21-565, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-310	Tires and rims. [Order 53, § 392-21-310, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-570	Sanders. [Order 53, § 392-21-570, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-315	Tow hooks. [Order 53, § 392-21-315, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-575	Seat belt for the operator. [Order 53, § 392-21-575, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-320	Transmission. [Order 53, § 392-21-320, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-580	Seats. [Order 53, § 392-21-580, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-325	Undercoating. [Order 53, § 392-21-325, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-585	Stanchions and guard rails. [Order 53, § 392-21-585, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-330	Weight distribution. [Order 53, § 392-21-330, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-590	Steering wheel. [Order 53, § 392-21-590, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-335	Wheels. [Order 53, § 392-21-335, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-600	Steps. [Order 53, § 392-21-600, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-390	Diagrams of chassis plan and chassis elevation. [Order 53, § 392-21-390, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-605	Step treads. [Order 53, § 392-21-605, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-400	School bus body specifications. [Order 53, § 392-21-400, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-610	Stirrup steps. [Order 53, § 392-21-610, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-405	Aisle. [Order 53, § 392-21-405, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-615	Stop sign. [Order 53, § 392-21-615, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-410	Battery. [Order 53, § 392-21-410, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-620	Storage compartment. [Order 53, § 392-21-620, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-415	Body sizes. [Order 53, § 392-21-415, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-625	Sun visor. [Order 53, § 392-21-625, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-420	Bumper, front. [Order 53, § 392-21-420, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-630	Tailpipe. [Order 53, § 392-21-630, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-425	Bumper, rear. [Order 53, § 392-21-425, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-635	Tow hook, rear. [Order 53, § 392-21-635, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-430	Ceiling. [Order 53, § 392-21-430, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-640	Undercoating. [Order 53, § 392-21-640, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-435	Chains. [Order 53, § 392-21-435, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-645	Ventilation. [Order 53, § 392-21-645, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-440	Color. [Order 53, § 392-21-440, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-650	Wheel housings. [Order 53, § 392-21-650, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-445	Construction. [Order 53, § 392-21-445, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-655	Windshields. [Order 53, § 392-21-655, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-450	Defrosters. [Order 53, § 392-21-450, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-660	Windshield washer. [Order 53, § 392-21-660, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-455	Doors. [Order 53, § 392-21-455, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-665	Windshield wipers. [Order 53, § 392-21-665, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-460	Electrical system. [Order 53, § 392-21-460, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-670	Wiring. [Order 53, § 392-21-670, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-465	Emergency window. [Order 53, § 392-21-465, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-700	Diagrams of body plan and body elevation. [Order 53, § 392-21-700, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-470	Fire extinguisher. [Order 53, § 392-21-470, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-750	Specifications for conversion vehicles. [Order 59, § 392-21-750, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-750, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-475	First-aid kit. [Order 53, § 392-21-475, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-755	Conversion vehicles—Body. [Order 59, § 392-21-755, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
392-21-480	Flags and flares. [Order 53, § 392-21-480, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-760	Conversion vehicles—Chassis. [Order 59, § 392-21-760, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
392-21-485	Floor. [Order 53, § 392-21-485, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.		

- 392-21-765 Vehicles for transporting handicapped children. [Order 59, § 392-21-765, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-800 Appendix. [Order 53, § 392-21-800, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-22
OPERATION RULES FOR SCHOOL BUS DRIVERS

- 392-22-005 Objectives of school bus transportation. [Order 24, § 392-22-005, filed 7/1/70.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-010.
- 392-22-010 General operation regulations. [Order 24, § 392-22-010, filed 7/1/70; General Operation Regulations, filed 8/31/65; General Operation Regulations, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025 and 392-145-030.
- 392-22-100 Rules for school bus drivers. [Order 24, § 392-22-100, filed 7/1/70; Rules for school bus drivers, filed 8/31/65; Rules for school bus drivers, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025 and 392-145-030.

Chapter 392-23
RULES FOR STUDENTS RIDING BUSES

- 392-23-005 Applicability of rules. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-23-010 Rules for students riding school buses. [Order 24, § 392-23-010, filed 7/1/70; Regulations (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-035.

Chapter 392-24
SCHOOL SAFETY PATROL

- 392-24-006 School patrol appointment, authority, finance, insurance. [Order 54, § 392-24-006, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-007 Washington's school safety patrol—General. [Order 54, § 392-24-007, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-010 Washington's school safety patrol—Purpose and function. [Order 54, § 392-24-010, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-011 Rules for operation of school safety patrol—General. [Order 54, § 392-24-011, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-015 Rules for operation of school safety patrol—Establishment and support—Administration—Community support. [Order 54, § 392-24-015, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-020 Rules for operation of school safety patrol—Instruction and supervision. [Order 54, § 392-24-020, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-025 Rules for operation of school safety patrol—Selection and appointment. [Order 54, § 392-24-025, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-026 Rules for operation of school safety patrol—Suggested application form. [Order 54, § 392-24-026, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-027 Rules for operation of school safety patrol—Suggested parental endorsement letter. [Order 54, § 392-24-027, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-030 Rules for operation of school safety patrol—Size of patrol and officers needed. [Order 54, § 392-24-030, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-035 Rules for operation of school safety patrol—Standard uniforms. [Order 54, § 392-24-035, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-040 Standard school patrol procedure. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.

- 392-24-045 Placement of signs. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-050 Rules for operation of school safety patrol—Equipment. [Order 54, § 392-24-050, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-055 Rules for operation of school safety patrol—Care of equipment. [Order 54, § 392-24-055, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-060 Increasing visibility. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-065 Rules for operation of school safety patrol—Controlled crossings. [Order 54, § 392-24-065, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-067 Rules for operation of school safety patrol—Location of school patrol crossings. [Order 54, § 392-24-067, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-070 Rules for operation of school safety patrol—Positions at crosswalks. [Order 54, § 392-24-070, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-075 Rules for operation of school safety patrol—Hours of duty. [Order 54, § 392-24-075, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-080 Rules for operation of school safety patrol—Bus duty. [Order 54, § 392-24-080, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-085 Rules for operation of school safety patrol—School bus stop sign violations. [Order 54, § 392-24-085, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-090 Rules for operation of school safety patrol—Installing the school safety patrol—Pledge—Motivation, recognition, morale. [Order 54, § 392-24-090, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-100 Rules for operation of school safety patrol—Suggested evaluation form. [Order 54, § 392-24-100, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-205 Function of the school patrol. [Order 85, § 392-24-205, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-010.
- 392-24-210 Administration and support. [Order 85, § 392-24-210, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-015.
- 392-24-215 Liability. [Order 85, § 392-24-215, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-020.
- 392-24-220 Local school route plans. [Order 85, § 392-24-220, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-025.
- 392-24-225 Warrants for utilizing adult crossing guards. [Order 85, § 392-24-225, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-055.
- 392-24-230 Suggested factors to consider for placement of adult guards. [Order 85, § 392-24-230, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-055.
- 392-24-235 Criteria to consider when selecting an adult guard. [Order 85, § 392-24-235, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-060.
- 392-24-240 Controlled crossings. [Order 85, § 392-24-240, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-030.
- 392-24-245 School crossing warning and speed limit signs. [Order 85, § 392-24-245, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-035.
- 392-24-250 Organization, instruction, and supervision. [Order 85, § 392-24-250, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-040 and 392-151-045.
- 392-24-255 Selection, appointment. [Order 85, § 392-24-255, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-050.
- 392-24-260 Size of patrol and officers needed. [Order 85, § 392-24-260, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-070.

- 392-24-265 Hours on duty. [Order 85, § 392-24-265, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-075.
- 392-24-270 The patrol captain. [Order 85, § 392-24-270, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-080.
- 392-24-275 The patrol lieutenant. [Order 85, § 392-24-275, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-080.
- 392-24-280 The patrol member. [Order 85, § 392-24-280, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-085.
- 392-24-285 Standard uniforms. [Order 85, § 392-24-285, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-090.
- 392-24-290 Equipment. [Order 85, § 392-24-290, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-095.
- 392-24-295 Care of equipment. [Order 85, § 392-24-295, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-100.
- 392-24-300 Instruction of safety patrol members. [Order 85, § 392-24-300, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-105.
- 392-24-305 Installing the school safety patrol. [Order 85, § 392-24-305, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-110.
- 392-24-310 School safety patrol pledge. [Order 85, § 392-24-310, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-110.
- 392-24-315 Patrol operation—Assignment and inspection. [Order 85, § 392-24-315, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-115.
- 392-24-320 Basic crossing position and flag operation. [Order 85, § 392-24-320, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-120.
- 392-24-325 Single posts and one-way streets. [Order 85, § 392-24-325, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-125.
- 392-24-330 Traffic hazards. [Order 85, § 392-24-330, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-130.
- 392-24-335 Multiple posts. [Order 85, § 392-24-335, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-135.
- 392-24-340 Operation with an adult guard or police officer or traffic signal. [Order 85, § 392-24-340, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-140.
- 392-24-345 Police officer or adult crossing guard. [Order 85, § 392-24-345, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-065.
- 392-24-350 Operation at an intersection with traffic signal. [Order 85, § 392-24-350, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-145.
- 392-24-355 Violation reports and accidents. [Order 85, § 392-24-355, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-150.
- 392-24-360 Morale and discipline. [Order 85, § 392-24-360, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-150.
- 392-24-365 Recognition and awards. [Order 85, § 392-24-365, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-150.

Chapter 392-25
CERTIFICATION OF SCHOOL BUS DRIVERS

- 392-25-010 Procedure for training and certification of school bus drivers—General. [Rules (part), filed 3/22/60.] Repealed by Order 24, filed 7/1/70. Later promulgation, see chapter 392-145 WAC.
- 392-25-020 Certification requirements—Temporary certificates. [Rules and forms (part), filed 3/22/60.] Repealed by Order 24, filed 7/1/70. Later promulgation, see chapter 392-145 WAC.
- 392-25-030 Regular school bus drivers' certificates and forms. [Rules (part), filed 3/22/60.] Repealed by Order 24, filed 7/1/70. Later promulgation, see chapter 392-145 WAC.

Chapter 392-26
SAFE WALK-WAYS TO AND FROM SCHOOL

- 392-26-010 Reimbursement by the state. [Order 29, § 392-26-010, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-010.
- 392-26-020 Prior approval by county transportation commission required. [Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-015.
- 392-26-030 Report of transportation commission. [Order 29, § 392-26-030, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-020.
- 392-26-040 Information required by state superintendent. [Order 29, § 392-26-040, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-025 and 392-147-030.
- 392-26-050 Application for state reimbursement for safe walk-way construction. [Order 29, § 392-26-050, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-035.

Chapter 392-27
REIMBURSEMENT TO SCHOOL DISTRICTS FOR TRANSPORTATION COSTS

- 392-27-010 District records required. [Order 36, § 392-27-010, filed 1/12/71; Transportation rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-025.
- 392-27-020 Approval of transportation routes—Limitation. [Order 36, § 392-27-020, filed 1/12/71; Reimbursement rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-030 Preparation of T-2 Form and approved transportation costs. [Order 36, § 392-27-030, filed 1/12/71; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-031 T-2 Form (front). [Order 9, § 392-27-031, filed 2/3/69; WAC 392-27-030(3), filed 6/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-032 T-2 Form (back side, containing rules and regulations for school transportation commission). [Order 9, § 392-27-032, filed 6/22/60; WAC 392-27-020(4), filed 6/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-27-040 Purchase of school buses and state allowance for depreciation. [Order 48, § 392-27-040, filed 6/28/72; Order 36, § 392-27-040, filed 1/12/71; Reimbursement rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-045 Lease purchase of school buses—Reimbursement. [Order 36, § 392-27-045, filed 1/12/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-050 Presenting buses for safety inspection. [From rules dated March, 1958 (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-100 Depreciation schedule—New buses. [Order 37, § 392-27-100, filed 1/12/71, effective 7/1/71; Subsections 1, 2, and 3 from rules (part), filed 8/2/62; Rules (part), filed 3/22/60; Subsection 4 from rules, filed 8/2/62; Rules (part), filed 3/22/60; Example, filed 8/2/62; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-055.
- 392-27-110 Additional depreciation for rebuilt district-owned buses that have served the state's required years for original depreciation. [Subsection 5 from rules (part), filed 6/17/63; Subsections 1, 2, 3, and 4 from rules (part), filed 2/14/63; Form T-10, filed 2/14/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-060.

Chapter 392-29
DISTRIBUTION OF FUNDS APPROPRIATED FOR APPORTIONMENT TO THE COMMON SCHOOLS

- 392-29-010 Authority. [Order 52, § 392-29-010, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.

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392-29-020 Purpose. [Order 52, § 392-29-020, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.

392-29-030 Policy. [Order 52, § 392-29-030, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.

392-29-100 Procedures. [Order 52, § 392-29-100, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.

392-29-110 Authority and purpose. [Order 89, § 392-29-110, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.

392-29-120 Intent of equalization apportionment. [Order 89, § 392-29-120, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.

392-29-130 Definitions—Terms. [Order 89, § 392-29-130, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-010 and 392-121-015.

392-29-140 Definitions—School year—Day. [Order 89, § 392-29-140, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-015.

392-29-150 Annual distribution of apportionment funds. [Order 89, § 392-29-150, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-020.

392-29-160 Apportionment credit, resident and nonresident districts. [Order 89, § 392-29-160, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.

392-29-170 Apportionment credit—Preschool handicapped and kindergarten. [Order 89, § 392-29-170, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.

392-29-180 Apportionment funds resources. [Order 89, § 392-29-180, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-035.

392-29-190 Pupil weighting—Weighting schedule—Weighted pupil enrollment. [Order 89, § 392-29-190, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-040.

392-29-200 Per weighted pupil guarantee—Method of computation. [Order 89, § 392-29-200, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-050.

392-29-210 Proportional district entitlement—Computation of. [Order 89, § 392-29-210, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.

392-29-220 Full-time equivalent pupil. [Order 89, § 392-29-220, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.

392-29-230 Enrollment time credit—Off-campus, educational institution. [Order 89, § 392-29-230, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.

392-29-240 Part-time student. [Order 89, § 392-29-240, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.

392-29-250 Reporting requirements. [Order 89, § 392-29-250, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-065.

392-29-260 Payment schedule. [Order 89, § 392-29-260, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-025.

392-29-270 Advance payments—Emergency. [Order 89, § 392-29-270, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-060.

Chapter 392-30
SCHOOL DISTRICT BUDGETING

392-30-010 Authority. [Order 83, § 392-30-010, filed 10/3/74; Order 38, § 392-30-010, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-005.

392-30-020 The accounting manual. [Order 83, § 392-30-020, filed 10/3/74; Order 38, § 392-30-020, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-010.

392-30-030 Preliminary and final budgets required. [Order 83, § 392-30-030, filed 10/3/74; Order 38, § 392-30-030, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-015.

392-30-035 Petition to stipulate that preliminary budget shall become final budget. [Order 83, § 392-30-035, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-020.

392-30-040 Preliminary and final budget forms provided by state superintendent. [Order 83, § 392-30-040, filed 10/3/74; Order 38, § 392-30-040, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-025.

392-30-050 Preliminary and final budget preparation. [Order 83, § 392-30-050, filed 10/3/74; Order 38, § 392-30-050, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-030.

392-30-060 Budget required to be developed on accrual basis. [Order 83, § 392-30-060, filed 10/3/74; Order 38, § 392-30-060, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-035.

392-30-070 The time schedule for the preliminary budget process. [Order 83, § 392-30-070, filed 10/3/74; Order 38, § 392-30-070, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-040 and 392-123-045.

392-30-080 The time schedule for the final budget process. [Order 83, § 392-30-080, filed 10/3/74; Order 38, § 392-30-080, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-050.

392-30-090 Identification of revenues to be included in the budget. [Order 83, § 392-30-090, filed 10/3/74; Order 38, § 392-30-090, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-055.

392-30-100 Petition to budget future receivables—Final budget. [Order 83, § 392-30-100, filed 10/3/74; Order 38, § 392-30-100, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-060.

392-30-110 Noncompliance with binding restrictions placed on school district. [Order 83, § 392-30-110, filed 10/3/74; Order 38, § 392-30-110, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-065.

392-30-120 Required analysis of budgetary changes—Prior year budget to preliminary and preliminary to final budget. [Order 83, § 392-30-120, filed 10/3/74; Order 38, § 392-30-120, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75.

392-30-130 Overexpending and exceeding the budget. [Order 83, § 392-30-130, filed 10/3/74; Order 38, § 392-30-130, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-070.

392-30-140 Identification of a balanced budget. [Order 83, § 392-30-140, filed 10/3/74; Order 55, § 392-30-140, filed 12/28/72; Order 38, § 392-30-140, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-075.

392-30-150 Budget determined to be unsound after state superintendent's review. [Order 83, § 392-30-150, filed 10/3/74; Order 38, § 392-30-150, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-080.

392-30-160 Meeting to review budget after determined unsound—Findings issued. [Order 83, § 392-30-160, filed 10/3/74; Order 38, § 392-30-160, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-085.

392-30-170 Preliminary budget noncompliant and unsound. [Order 83, § 392-30-170, filed 10/3/74; Order 38, § 392-30-170, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-090.

392-30-180 Final budget noncompliant and unsound. [Order 83, § 392-30-180, filed 10/3/74; Order 38, § 392-30-180, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-095.

392-30-190 Revised final budget not submitted or noncompliant. [Order 83, § 392-30-190, filed 10/3/74; Order 38, § 392-30-190, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-100.

392-30-200 State board of education action regarding missing or noncompliant final budget. [Order 83, § 392-30-200, filed 10/3/74; Order 38, § 392-30-200, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-105.

392-30-210 Monthly financial statements and reports prepared by school district administration. [Order 83, § 392-30-210, filed 10/3/74; Order 38, § 392-30-210, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-110.

392-30-220 Budget status report for general fund operations. [Order 83, § 392-30-220, filed 10/3/74; Order 38, § 392-30-

- 220, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-115.
- 392-30-230 Consolidated balance sheet—Financial position of the school district. [Order 83, § 392-30-230, filed 10/3/74; Order 38, § 392-30-230, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-120.
- 392-30-240 Personnel budget status report—First and second class districts. [Order 83, § 392-30-240, filed 10/3/74; Order 55, § 392-30-240, filed 12/28/72; Order 38, § 392-30-240, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-125.
- 392-30-250 Cash and investment status report for funds other than the general fund. [Order 83, § 392-30-250, filed 10/3/74; Order 38, § 392-30-250, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-130.
- 392-30-260 Interfund loans—Definition. [Order 83, § 392-30-260, filed 10/3/74; Order 38, § 392-30-260, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-135.
- 392-30-270 Interfund loans allowable. [Order 83, § 392-30-270, filed 10/3/74; Order 38, § 392-30-270, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-140.
- 392-30-280 Interfund loans—Identification of temporary loans. [Order 83, § 392-30-280, filed 10/3/74; Order 38, § 392-30-280, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-145.
- 392-30-290 Interfund loans—Payment of interest. [Order 83, § 392-30-290, filed 10/3/74; Order 38, § 392-30-290, filed 2/5/71, effective 7/1/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-150.
- 392-30-300 Interfund loans—Full disclosure on financial statements. [Order 83, § 392-30-300, filed 10/3/74; Order 38, § 392-30-300, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-155.
- 392-30-310 Interfund loans—Board resolution adopted—Contents. [Order 83, § 392-30-310, filed 10/3/74; Order 38, § 392-30-310, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-160.

Chapter 392-31

INTERMEDIATE SCHOOL DISTRICT BUDGETING

- 392-31-010 Authority. [Order 41, § 392-31-010, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-005.
- 392-31-020 Principles of accounting. [Order 41, § 392-31-020, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-010.
- 392-31-030 Budgets required. [Order 41, § 392-31-030, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-015.
- 392-31-040 Budget preparation, hearing and adoption. [Order 57, § 392-31-040, filed 4/13/73; Order 41, § 392-31-040, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-020.
- 392-31-050 Budget approval. [Order 41, § 392-31-050, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-025.
- 392-31-060 Time schedule for budget process. [Order 57, § 392-31-060, filed 4/13/73; Order 41, § 392-31-060, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-030.
- 392-31-070 Budget content. [Order 41, § 392-31-070, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-035.
- 392-31-080 Overexpending and exceeding the budget. [Order 41, § 392-31-080, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-040.
- 392-31-090 A balanced budget. [Order 41, § 392-31-090, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-045.
- 392-31-100 Termination of appropriations. [Order 41, § 392-31-100, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-050.
- 392-31-110 Budget extensions. [Order 41, § 392-31-110, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-055.
- 392-31-120 Monthly budget status report. [Order 41, § 392-31-120, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-060.

- 392-31-130 Content of the monthly budget status report. [Order 41, § 392-31-130, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-065.
- 392-31-140 Approval of the budget by the superintendent of public instruction. [Order 41, § 392-31-140, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-070.
- 392-31-150 Distribution of county funds when county contains parts of two or more intermediate school districts. [Order 41, § 392-31-150, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-075.

Chapter 392-32

STATE PLANS ADOPTED PURSUANT TO FEDERAL LAWS

State plan for the basic adult education program, FY-1968. [Under the provisions of Public Law 89-750, Title III, Adult Education Act of 1966; 6/5/69.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title III National Defense Education Act. [PL 85-864 (state plans for strengthening instruction in science, mathematics, modern foreign languages, etc.) - 8/3/67, 5/18/66, 1/27/66, 4/28/65, 8/3/64, 3/31/64, 11/18/63, 10/2/62, 8/28/62, 10/25/60, and 3/22/60.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

State plan for operation of Title III, Elementary and Secondary Education Act of 1965. [Public Law 89-10, as amended by Public Law 89-247; 5/23/69; Order 43, 11/17/71.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

State plan for operation of Title III, Elementary and Secondary Education Act of 1965. [Public Law 89-10 as amended by Public Law 90-247; 8/22/68.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title V and VA National Defense Education Act. [PL 85-864, guidance, counseling, and testing - 2/23/67, 1/25/67, 8/5/64, 10/2/62, 8/28/62, and 10/25/60.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Washington state plan for migrant education. [PL 89-10, Title I, as amended by PL 89-750 (fiscal year 1971). Filed 9/11/70.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Amendment to Washington state plan for migrant education. [PL 89-10, Title I, as amended by PL 89-750 (fiscal year 1971) to reflect budget changes because of federal appropriations being increased. Filed 12/1/70. For fiscal year 1972. Order 40, filed 10/15/71 and Order 44, filed 2/23/72.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title I Elementary and Secondary Education Act. [PL 89-10 and/or as amended by PL 89-750, educational programs for migratory children - Order 19, filed 9/24/69, 1/10/69, 8/22/68, 3/19/68, 11/1/67, and 4/11/67.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title II Elementary and Secondary Education Act. [PL 89-10 (school library resources, textbooks and other instructional materials for pupils and teachers); 2/5/69, 4/10/68, 3/12/68, 8/3/67, 4/4/67, and 11/12/65.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.-030 (1) and (3).

State plan for Title III of the Elementary and Secondary Education Act of 1965 in which federal funding is being requested for the fiscal year ending June 30, 1971. [Filed 9/10/70.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

State plan for attracting and qualifying teachers to meet critical teacher shortages under part B (2) of the Education Professions Development Act (Public Law 90-35) Title V, Higher Education Act of 1965. [Public Law 89-329 as amended by PL 90-35; 10/29/68.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title VI Elementary and Secondary Education Act. [PL 89-10 as amended by PL 89-750 (state plan for education of handicapped children) - 11/17/67, 8/3/67, and 4/4/67.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title VI A amendments to state plan for the operation of Title VI A, Elementary and Secondary Education Act. [Public Law 89-10, as amended; 6/27/67.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Interim state plan, Title VI (part B) of the Education of the Handicapped Act. [PL 91-230 for fiscal year 1971 — 7/1/70.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

State plan for the preparation of professional personnel in the education of handicapped children (Public Law 85-926, as amended). [Emergency 12/20/68, 2/25/69.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Civil Rights Act of 1964. [PL 88-352 (Re: School board grant program on school desegregation problems under Title IV, Section 405 Civil Rights Act of 1964) - 1/16/68 - Adoption of state plan.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title II B Economic Opportunity Act of 1964. [PL 88-452 - 7/28/65 - State plan.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Vocational rehabilitation plans. [1/27/66.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Federal school lunch, surplus commodity and special milk programs. [2/10/67, 9/9/66, 7/14/65, 6/17/63, 2/20/63, 1/28/63, 1/31/61, 9/25/60, 9/14/60, and 3/22/60.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Chapter 392-35 PRINCIPALS—EMPLOYEE ORGANIZATION— ELECTION PROCEDURE

- 392-35-010 Purpose. [Order 67, § 392-35-010, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-020 Definitions. [Order 67, § 392-35-020, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-030 Request for election. [Order 67, § 392-35-030, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-040 Notice of election. [Order 67, § 392-35-040, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-050 Contents of notice of election—Designation of chief election officer—Duties. [Order 67, § 392-35-050, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-060 List of principals—Posting of list. [Order 67, § 392-35-060, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-070 Election inspectors—Duties—Right to challenge voter—Improper conduct. [Order 67, § 392-35-070, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-080 Ballots. [Order 67, § 392-35-080, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-090 Record of vote—Signature—Challenge. [Order 67, § 392-35-090, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-100 Incorrectly marked ballot. [Order 67, § 392-35-100, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-110 Privacy for voter—Equipment. [Order 67, § 392-35-110, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-120 Folding ballot—Ballot box. [Order 67, § 392-35-120, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-130 Challenged ballot—Procedure. [Order 67, § 392-35-130, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-140 Employees present entitled to vote—Sealing ballot box—Unused ballots. [Order 67, § 392-35-140, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-150 Election inspectors' duties after voting has terminated. [Order 67, § 392-35-150, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-160 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer. [Order 67, § 392-35-160, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-170 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists. [Order 67, § 392-35-170, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-180 Electioneering within the polls forbidden. [Order 67, § 392-35-180, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-190 Contest of election—Time for filing objections—Investigation of objections. [Order 67, § 392-35-190, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-200 Election determined by majority of valid votes cast—Runoff election. [Order 67, § 392-35-200, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-210 Time lapse for new election. [Order 67, § 392-35-210, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-40 CERTIFICATES OF EDUCATIONAL COMPETENCE

- 392-40-005 Purpose of rules. [Rules (part), filed 1/20/66.] Repealed by 79-07-004 (Order 2-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).
- 392-40-010 The rules. [Rules (part), filed 1/20/66.] Repealed by 79-07-004 (Order 2-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).
- 392-40-990 Appendix—Instructions for the administration of the program for the certificate of educational competence. [Instructions for the administration of program (codified as WAC 392-40-990), filed 1/20/66.] Repealed by 79-07-004 (Order 2-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Chapter 392-45 WASHINGTON STATE SPECIAL EDUCATION PROGRAM FOR CHILDREN WITH HANDICAPPING CONDITIONS

- 392-45-005 Purpose. [Order 66, § 392-45-005, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-005.
- 392-45-010 Administrative duties of superintendent of public instruction. [Order 66, § 392-45-010, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-45-015 Special education advisory council. [Order 66, § 392-45-015, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-010.
- 392-45-020 Special education advisory council—Special education advisory council authority. [Order 66, § 392-45-020, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-015.
- 392-45-025 Special education standing committee. [Order 66, § 392-45-025, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-45-030 Common school age (RCW 28A.13.010, 28A.58.190 and 28A.35.010). [Order 66, § 392-45-030, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-020.
- 392-45-035 Procedures for functionally defining handicapping conditions (RCW 28A.13.070). [Order 66, § 392-45-035 and flow charts, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-025 and 392-171-030.
- 392-45-040 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Child as focus of concern. [Order 66, § 392-45-040, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-035.
- 392-45-045 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Referral procedure. [Order 66, § 392-45-045, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-040.
- 392-45-050 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-050, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-045.
- 392-45-055 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Decision to terminate. [Order 66, § 392-45-055, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-050.
- 392-45-060 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment procedures. [Order 66, § 392-45-060, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-055.
- 392-45-065 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Collection of descriptions of child performance. [Order 66, § 392-45-065, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-060.
- 392-45-070 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment or needed consultation by professional resources not employed by school district. [Order 66, § 392-45-070, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-065.
- 392-45-075 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment areas. [Order 66, § 392-45-075, filed 8/27/73.] Repealed by Order 7-

	75, filed 12/22/75. Later promulgation, see WAC 392-171-070.		
392-45-080	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment personnel. [Order 66, § 392-45-080, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-075.	392-45-160	155, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-225. Contractual services (RCW 28A.13.030)—Written policies. [Order 66, § 392-45-160, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-230.
392-45-085	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Analysis of assessment data. [Order 66, § 392-45-085, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-080.	392-45-165	Contractual services (RCW 28A.13.030)—Coordination of services. [Order 66, § 392-45-165, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-235.
392-45-090	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals and objectives. [Order 66, § 392-45-090, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-085.	392-45-170	Contractual services (RCW 28A.13.030)—Written contracts. [Order 66, § 392-45-170, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-240.
392-45-095	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals relating to placement (long range). [Order 66, § 392-45-095, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-090.	392-45-175	Contractual services (RCW 28A.13.030)—Special placement and parent appeal concerning contractual arrangements. [Order 66, § 392-45-175, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-245.
392-45-100	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Placement options. [Order 66, § 392-45-100, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-095, 392-171-100, 392-171-105 and 392-171-110.	392-45-180	Interdistrict arrangements (RCW 28A.13.030). [Order 66, § 392-45-180, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-250.
392-45-105	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Program criteria necessary for eligibility. [Order 5-75, § 392-45-105, filed 6/9/75; Order 66, § 392-45-105, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-115.	392-45-185	Appeals and sanctions procedures (RCW 28A.13.060 through 28A.13.080). [Order 66, § 392-45-185, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-255, 392-171-260, 392-171-265, 392-171-270 and 392-171-275.
392-45-110	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Definitions and criteria for child eligibility. [Order 76, § 392-45-110, filed 7/11/74; Order 66, § 392-45-110, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-120, 392-171-125, 392-171-130, 392-171-135, 392-171-140, 392-171-145, 392-171-150, 392-171-155, 392-171-160, 392-171-165, 392-171-170, 392-171-175 and 392-171-180.	392-45-190	Transportation. [Order 66, § 392-45-190, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-280.
392-45-115	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—School district decision. [Order 66, § 392-45-115, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-185.	392-45-195	Facilities. [Order 66, § 392-45-195, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-285.
392-45-120	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-120, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-190.	Chapter 392-50 TRAFFIC SAFETY EDUCATION	
392-45-125	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Objectives relating to instructional programs (short term). [Order 66, § 392-45-125, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-195.	392-50-010	Definitions. [Order 65, § 392-50-010, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-010.
392-45-130	Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Evaluation and program improvement. [Order 66, § 392-45-130, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-200.	392-50-020	Reimbursement to school districts. [Order 65, § 392-50-020, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-015.
392-45-135	Contractual services (RCW 28A.13.030). [Order 66, § 392-45-135, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-205.	392-50-030	Teacher certification. [Order 65, § 392-50-030, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-020.
392-45-140	Contractual services (RCW 28A.13.030)—Approval of agencies and individuals for contractual arrangements. [Order 66, § 392-45-140, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-210.	392-50-040	Traffic safety education vehicles. [Order 65, § 392-50-040, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-025.
392-45-145	Contractual services (RCW 28A.13.030)—Determining eligibility of nonpublic school agencies and individuals to provide special education services through contractual arrangements with school districts. [Order 66, § 392-45-145, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-215.	392-50-050	Local curriculum guides. [Order 65, § 392-50-050, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-030.
392-45-150	Contractual services (RCW 28A.13.030)—Responsibilities of school districts. [Order 66, § 392-45-150, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-220.	392-50-060	Scheduling. [Order 65, § 392-50-060, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-035.
392-45-155	Contractual services (RCW 28A.13.030)—Compliance with federal, state and local laws. [Order 66, § 392-45-	392-50-070	Administration. [Order 65, § 392-50-070, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-040.
		Chapter 392-60 ACCUMULATED SICK LEAVE	
		392-60-010	Contributions of school districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.
		392-60-020	Reimbursement to districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.
		Chapter 392-65 EMPLOYEE HEALTH AND INSURANCE BENEFITS	
		392-65-020	Authority. [Order 26, § 392-65-020, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
		392-65-025	Authority. [Order 49, § 392-65-025, filed 6/28/72; Order 42, § 392-65-025, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
		392-65-030	Salary improvement funds separate allotment (not equalized). [Order 26, § 392-65-030, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
		392-65-035	Salary increase maintenance funds separate appropriations. [Order 49, § 392-65-035, filed 6/28/72; Order 42, § 392-65-035, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.

392-65-040	Calculation of amount of distributable funds by employee categories—Certificated—Classified. [Order 26, § 392-65-040, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-045	Preliminary payments—Adjustments. [Order 49, § 392-65-045, filed 6/28/72; Order 42, § 392-65-045, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
392-65-050	Base year and average district salary stipulated. [Order 26, § 392-65-050, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-055	Calculation of funds distributable for salary increase and related benefits maintenance—General provisions—Exclusion. [Order 49, § 392-65-055, filed 6/28/72; Order 42, § 392-65-055, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
392-65-060	Exclusion—Extra stipends—Definition. [Order 26, § 392-65-060, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-065	Lunchroom personnel—Salary increase and related benefits maintenance. [Order 49, § 392-65-065, filed 6/28/72; Order 42, § 392-65-065, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
392-65-070	Identification of extra stipends. [Order 26, § 392-65-070, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-075	Employee health benefits—Appropriations—Regulations governing. [Order 49, § 392-65-075, filed 6/28/72; Order 42, § 392-65-075, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
392-65-080	Certain programs paid from specific budget categories. [Order 26, § 392-65-080, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-085	Employee insurance benefits—Appropriations to superintendent of public instruction. [Order 88, § 392-65-085, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-65-090	Salary improvements specified by year and percentage. [Order 26, § 392-65-090, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-095	Governor's special appropriation. [Order 88, § 392-65-095, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-65-100	Continuing employment requisite to average salary computation. [Order 26, § 392-65-100, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-105	Basic precepts of distribution. [Order 88, § 392-65-105, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-65-110	Maintenance of pupil-teacher ratio as of 1968-69 school year. [Order 35, § 392-65-110, filed 12/8/70; Order 26, § 392-65-110, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-115	Reimbursement rates. [Order 88, § 392-65-115, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-65-120	Staff replacements and staff additions. [Order 26, § 392-65-120, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-125	Computation of full-time equivalent employee. [Order 88, § 392-65-125, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-65-130	Funds to be expended for limited purpose—Otherwise reallocated. [Order 26, § 392-65-130, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-135	Benefits allowable. [Order 88, § 392-65-135, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-65-140	Annual increment—Negotiable item. [Order 26, § 392-65-140, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-145	Reports—Basis of computations. [Order 88, § 392-65-145, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-65-150	Schedule for employee benefits. [Order 26, § 392-65-150, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-160	Preliminary payments—Basis. [Order 26, § 392-65-160, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-170	Adjusted payments—Basis. [Order 26, § 392-65-170, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-180	District qualification—Health benefits. [Order 26, § 392-65-180, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-190	Monthly rate (1969-70). [Order 26, § 392-65-190, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
392-65-200	Monthly rate determined by residue (1970-71). [Order 26, § 392-65-200, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.

Chapter 392-67

DISTRIBUTION OF FUNDS FOR CLASSIFIED EMPLOYEES AND SALARY INCREASE FOR SCHOOL DISTRICT EMPLOYEES

392-67-010	Authority. [Order 50, § 392-67-010, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
392-67-01001	Purpose. [Order 72, § 392-67-01001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
392-67-020	Policy. [Order 50, § 392-67-020, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
392-67-02001	Salary increase funds separate appropriation. [Order 72, § 392-67-02001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
392-67-030	Appropriation—Distribution outside equalization formula. [Order 50, § 392-67-030, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
392-67-03001	Payments—Adjustments. [Order 72, § 392-67-03001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
392-67-040	Salary increase calculation. [Order 50, § 392-67-040, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
392-67-04001	Local determination. [Order 72, § 392-67-04001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
392-67-050	Preliminary payments. [Order 50, § 392-67-050, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
392-67-05001	Certification. [Order 72, § 392-67-05001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
392-67-060	Salary increases—Other uses—Districts which grant less. [Order 50, § 392-67-060, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75.
392-67-070	Authority. [Order 87, § 392-67-070, filed 3/6/75; Order 58, § 392-67-070, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-080	Policy. [Order 87, § 392-67-080, filed 3/6/75; Order 58, § 392-67-080, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-090	Appropriation—Distribution outside equalization formula. [Order 87, § 392-67-090, filed 3/6/75; Order 58, § 392-67-090, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-100	Salary increase calculation. [Order 87, § 392-67-100, filed 3/6/75; Order 58, § 392-67-100, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-110	Preliminary payments. [Order 87, § 392-67-110, filed 3/6/75; Order 58, § 392-67-110, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-120	Salary increases—Other uses—Districts which grant less. [Order 87, § 392-67-120, filed 3/6/75; Order 58, § 392-67-120, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-130	Purpose. [Order 87, § 392-67-130, filed 3/6/75; Order 58, § 392-67-130, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-140	Distribution criteria and procedures. [Order 87, § 392-67-140, filed 3/6/75; Order 58, § 392-67-140, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-150	Additional procedures. [Order 87, § 392-67-150, filed 3/6/75; Order 58, § 392-67-150, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-160	District revenue account—New. [Order 87, § 392-67-160, filed 3/6/75; Order 58, § 392-67-160, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
392-67-170	"Classified employee" defined. [Order 87, § 392-67-170, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-67-180	"Full-time" classified employee defined. [Order 87, § 392-67-180, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-67-190	Increase applicable to full-time classified employees. [Order 87, § 392-67-190, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-67-200	Prorated increase applicable to part-time classified employees. [Order 87, § 392-67-200, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-67-210	Salary increase for February 1973 prohibited—When. [Order 87, § 392-67-210, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
392-67-220	Intent—To increase base pay rates. [Order 87, § 392-67-220, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-20**PART-TIME PRIVATE SCHOOL ATTENDANCE IN PUBLIC SCHOOLS AND PROVIDING BY PUBLIC SCHOOLS OF ANCILLARY SERVICES TO SUCH STUDENTS**

- 392-70-020 Regulatory provisions relating to specific acts. [Order 51, § 392-70-020, filed 6/28/72; Order 20, § 392-70-020, filed 11/6/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-005.
- 392-70-030 Work-training program. [Order 20, § 392-70-030, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-040 Resident requirement. [Order 51, § 392-70-040, filed 6/28/72; Order 20, § 392-70-040, filed 11/6/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-015.
- 392-70-045 Definitions. [Order 51, § 392-70-045, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-010.
- 392-70-050 Work-study program approval required. [Order 20, § 392-70-050, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-055 School districts—Duties and responsibilities. [Order 51, § 392-70-055, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-020 and 392-181-025.
- 392-70-060 Only offerings unavailable in private schools approved for private school student attendance in public schools—State superintendent to interpret literally. [Order 20, § 392-70-060, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-065 Ancillary services—Location. [Order 51, § 392-70-065, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-025.
- 392-70-070 Compliance with state superintendent's rules prerequisite to reimbursement of costs. [Order 51, § 392-70-070, filed 6/28/72; Order 20, § 392-70-070, filed 11/6/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-035.
- 392-70-075 Reimbursement requirements. [Order 51, § 392-70-075, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-030.
- 392-70-090 State superintendent to recognize additional costs to school districts. [Order 20, § 392-70-090, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-100 School district to submit cost report. [Order 20, § 392-70-100, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.

**Chapter 392-80
EXCESS LEVIES**

- 392-80-100 Rules implementing chapters 84.52 and 28.48 RCW. [Rules (part), filed 10/30/67.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-90**WASHINGTON STATE URBAN, RURAL, RACIAL, DISADVANTAGED EDUCATION PROGRAMS**

- 392-90-800 Purpose. [Order 84, § 392-90-800, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-005.
- 392-90-805 Definitions. [Order 84, § 392-90-805, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-010.
- 392-90-810 Administrative duties of the superintendent of public instruction. [Order 84, § 392-90-810, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-015.
- 392-90-815 URRD state advisory committee. [Order 84, § 392-90-815, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-020.
- 392-90-820 URRD program supervision. [Order 84, § 392-90-820, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-025.
- 392-90-825 Eligibility requirements. [Order 84, § 392-90-825, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-030.
- 392-90-830 Evidence of school district proposal review. [Order 84, § 392-90-830, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-035.
- 392-90-835 Required documentation. [Order 84, § 392-90-835, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-040.

- 392-90-840 Private applicant agency requirement. [Order 84, § 392-90-840, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-045.
- 392-90-845 Authorized program activities. [Order 84, § 392-90-845, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-050.
- 392-90-850 Interdistrict or consortium projects. [Order 84, § 392-90-850, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-055.
- 392-90-855 Complementary nature of private agency projects. [Order 84, § 392-90-855, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-060.
- 392-90-860 Fiscal constraints. [Order 84, § 392-90-860, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-065.
- 392-90-865 Basic program thrust summarized. [Order 84, § 392-90-865, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-070.
- 392-90-870 URRD program categories. [Order 84, § 392-90-870, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-075.
- 392-90-875 Reentry motivation programs summarized. [Order 84, § 392-90-875, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-080 and 392-161-085.
- 392-90-880 Preschool education programs summarized. [Order 84, § 392-90-880, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-090.
- 392-90-885 Academic achievement program summary. [Order 84, § 392-90-885, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-100 and 392-161-105.
- 392-90-890 Bilingual/bicultural education program summary. [Order 84, § 392-90-890, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-110 and 392-161-115.
- 392-90-895 Indian education program summary. [Order 84, § 392-90-895, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-120 and 392-161-125.
- 392-90-900 General application information. [Order 84, § 392-90-900, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-130.
- 392-90-905 Legislative concerns and general guidelines. [Order 84, § 392-90-905, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-135.
- 392-90-910 Review process described. [Order 84, § 392-90-910, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-140.
- 392-90-915 Basic selection criteria information. [Order 84, § 392-90-915, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-145 and 392-161-150.
- 392-90-920 URRD appeals procedure summarized. [Order 84, § 392-90-920, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-155.
- 392-90-925 Program evaluation and reporting procedures. [Order 84, § 392-90-925, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-160.
- 392-90-930 Integration policy statement. [Order 84, § 392-90-930, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-165.

**Chapter 392-96
GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE I PROGRAM, MIGRANT**

- 392-96-005 Introduction. [Order 2-75, § 392-96-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-005.
- 392-96-010 Purpose. [Order 2-75, § 392-96-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-010.
- 392-96-015 Definitions. [Order 2-75, § 392-96-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-015.
- 392-96-020 Eligibility requirements. [Order 2-75, § 392-96-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-020.

Title 392**Title 392 WAC: Public Instruction, Supt. of**

- 392-96-025 Formerly migratory children. [Order 2-75, § 392-96-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-025.
- 392-96-030 Bilingual education. [Order 2-75, § 392-96-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-030.
- 392-96-035 Student identification. [Order 2-75, § 392-96-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-035.
- 392-96-040 Student insurance. [Order 2-75, § 392-96-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-040.
- 392-96-045 Property, facilities, and equipment. [Order 2-75, § 392-96-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-045.
- 392-96-050 Project descriptions. [Order 2-75, § 392-96-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-050.
- 392-96-055 Day care. [Order 2-75, § 392-96-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-055.
- 392-96-060 Local parent advisory councils. [Order 2-75, § 392-96-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-060.
- 392-96-065 Local parent advisory council appeal process for projects. [Order 2-75, § 392-96-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-065.
- 392-96-070 Local parent advisory council appeal process for PAC. [Order 2-75, § 392-96-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-070.
- 392-96-075 Grievance procedure. [Order 2-75, § 392-96-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-075.
- 392-96-080 State advisory committee. [Order 2-75, § 392-96-080, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-080.
- 392-96-085 Accountability. [Order 2-75, § 392-96-085, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-085.
- 392-96-090 Administrative costs. [Order 2-75, § 392-96-090, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-090.
- 392-96-095 Fiscal constraints. [Order 2-75, § 392-96-095, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-095.

Chapter 392-97**GRANTS MANAGEMENT—ESEA III**

- 392-97-005 Authority. [Order 4-75, § 392-97-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-005.
- 392-97-010 Purpose. [Order 4-75, § 392-97-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-010.
- 392-97-015 Definitions. [Order 4-75, § 392-97-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-015.
- 392-97-020 Advisory councils. [Order 4-75, § 392-97-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-020.
- 392-97-025 Evaluation criteria for approving projects. [Order 4-75, § 392-97-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-025.
- 392-97-030 Additional criteria for approving projects. [Order 4-75, § 392-97-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-030.
- 392-97-035 Timeline for approving projects. [Order 4-75, § 392-97-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-035.
- 392-97-040 Provisions for assuring 15% for special needs of handicapped children. [Order 4-75, § 392-97-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-040.
- 392-97-045 Criteria for achieving equitable distribution of assistance. [Order 4-75, § 392-97-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-045.
- 392-97-050 Provision for private nonprofit school participation. [Order 4-75, § 392-97-050, filed 1/21/75.] Repealed by

Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-050.

392-97-055 Length of project period. [Order 4-75, § 392-97-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-055.

392-97-060 Provisions for continuing projects. [Order 4-75, § 392-97-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-060.

392-97-065 Provisions for terminating Title III projects. [Order 4-75, § 392-97-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-065.

392-97-070 Provisions for hearings. [Order 4-75, § 392-97-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-070.

392-97-075 Legal applicants. [Order 4-75, § 392-97-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-075.

Chapter 392-98**GRANTS MANAGEMENT—
WASHINGTON STATE ESEA TITLE I PROGRAM**

392-98-005 Authority and purpose. [Order 3-75, § 392-98-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-005.

392-98-010 Eligible participants. [Order 3-75, § 392-98-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-010.

392-98-015 Ancillary services. [Order 3-75, § 392-98-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-015.

392-98-020 Size and scope of activity. [Order 3-75, § 392-98-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-020.

392-98-025 Construction and remodeling. [Order 3-75, § 392-98-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-025.

392-98-030 Field trips. [Order 3-75, § 392-98-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-030.

392-98-035 Notification of parents. [Order 3-75, § 392-98-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-035.

392-98-040 Nonpublic student involvement. [Order 3-75, § 392-98-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-040.

392-98-045 Local education agency parent advisory council. [Order 3-75, § 392-98-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-045.

392-98-050 School parent advisory councils. [Order 3-75, § 392-98-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-050.

392-98-055 PAC grievance procedures. [Order 3-75, § 392-98-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-055.

392-98-060 State Advisory Committee. [Order 3-75, § 392-98-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-060.

392-98-065 Administrative costs. [Order 3-75, § 392-98-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-065.

392-98-070 In-service training. [Order 3-75, § 392-98-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-070.

392-98-075 Approval of projects. [Order 3-75, § 392-98-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-075.

392-98-080 Evaluation. [Order 3-75, § 392-98-080, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-080.

392-98-085 Disposition of property. [Order 3-75, § 392-98-085, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-085.

Chapter 392-99**STATE BOARD OF EDUCATION—ELECTION OF MEMBERS**

392-99-010 Purpose. [Order 86, § 392-99-010, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-005.

392-99-020 Limitation-biographical data. [Order 86, § 392-99-020, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-010.

- 392-99-030 Composition of election board. [Order 86, § 392-99-030, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-015.
- 392-99-040 Postage. [Order 86, § 392-99-040, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-020.
- 392-99-050 Publicity. [Order 86, § 392-99-050, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-025.
- 392-99-060 Recount of votes cast-automatic-by request certification. [Order 86, § 392-99-060, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-030.
- 392-99-070 Rotation of names on ballot. [Order 86, § 392-99-070, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-035.

Chapter 392-103**SUPERINTENDENT OF PUBLIC INSTRUCTION—CONFLICT OF INTEREST**

- 392-103-005 Purpose and effect. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-103-005, filed 7/19/90, effective 8/19/90; Order 7-75, § 392-103-005, filed 12/22/75. Formerly WAC 392-10-010.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-010 Prohibited practices—Direct and indirect receipt of benefits prohibited. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-103-010, filed 7/19/90, effective 8/19/90; Order 7-75, § 392-103-010, filed 12/22/75. Formerly 392-10-020 (part).] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-015 Prohibited practices—Certain assistance, gifts and sharing in compensation prohibited. [Order 7-75, § 392-103-015, filed 12/22/75. Formerly WAC 392-10-020 (part).] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-020 Prohibited practices—Gifts and use of office to induce provision of economic benefits prohibited. [Order 7-75, § 392-103-020, filed 12/22/75. Formerly WAC 392-10-020 (part).] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-025 Disqualification. [Order 7-75, § 392-103-025, filed 12/22/75. Formerly WAC 392-10-030.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-030 Appointed advisory committee members. [Order 7-75, § 392-103-030, filed 12/22/75. Formerly WAC 392-10-070.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-035 Former employees—Prohibited practices. [Statutory Authority: RCW 42.18.250, 88-23-011 (Order 88-25), § 392-103-035, filed 11/4/88; Order 7-75, § 392-103-035, filed 12/22/75. Formerly WAC 392-10-060.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-040 Permissible transactions. [Order 7-75, § 392-103-040, filed 12/22/75. Formerly WAC 392-10-040.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-045 Permissible outside employment. [Order 7-75, § 392-103-045, filed 12/22/75. Formerly WAC 392-10-050.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-130-025 Definition—Self-funded employee loss of time and health benefit plans. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-025, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-030 Definition—Self-funded plan or a plan. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-030, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-035 Definition—Self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-035, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-040 Definition—Joint self-funded plan. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-040, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-045 Definition—Fund. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-045, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-050 Definition—Enterprise fund. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-050, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-055 Definition—Beneficiary. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-055, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-060 Definition—Member. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-060, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-065 Definition—Contribution. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-065, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-070 Definition—Employer. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-070, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-075 Definition—Third party administrator. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-075, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-080 Definition—Claim. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-080, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-085 Definition—Life insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-085, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-090 Definition—Health insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-090, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-095 Definition—Health benefit insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-095, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-100 Definition—Health care insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-100, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-105 Definition—Accident insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-

Chapter 392-130**FINANCE—SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS**

- 392-130-005 Authority. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-005, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-010 Purposes. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-010, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-015 Definition—Joint self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-015, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-020 Definition—Individual self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035, 88-04-001 (Order 88-3), § 392-130-020, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.

	3), § 392-130-105, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.		Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
392-130-110	Definition—Disability insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-110, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.	392-130-180	Management and operational standards for self-funded plans for employee benefits—Required powers and duties of the sponsoring board of directors. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-180, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
392-130-115	Definition—Salary protection insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-115, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.	392-130-185	Management and operational standards for self-funded plans for employee benefits—Optional powers and duties of the sponsoring board of directors. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-185, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
392-130-120	Definition—Loss of time insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-120, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.	392-130-190	Management and operational standards for self-funded plans for employee benefits—Liabilities of a self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-190, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
392-130-125	Definition—Fiscal year. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-125, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.	392-130-195	Management and operational standards for self-funded plans for employee benefits—Plan deposits and investments. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-195, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
392-130-130	Definition—Board of directors of a self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.-030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-130, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.	392-130-200	Management and operational standards of a self-funded plan for employee benefits—Bonding of administrators. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-200, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
392-130-135	Definition—Excess loss insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-135, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.	392-130-205	Management and operational standards of a self-funded plan for employee benefits—Prohibited pecuniary interests. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-205, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
392-130-140	Definition—Certificate authorizing an insurer to provide insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-140, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.-030 and 48.62.035.		
392-130-145	Joint self-funded plans for employee benefits to be in accordance with the Interlocal Cooperation Act. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-145, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.		
392-130-150	Adoption of an individual self-funded plan for employee benefits by a sponsoring board of directors. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-150, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.		
392-130-155	Budgeting and accounting policies for self-funded plans for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-155, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.		
392-130-160	Records and accounts of a self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.-030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-160, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.		
392-130-165	Management and operational standards for self-funded plans for employee benefits—General provisions. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-165, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.		
392-130-170	Management and operational standards for self-funded plans for employee benefits—Administrative standards. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-170, filed 1/21/88.] Repealed by 97-19-075, filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.		
392-130-175	Management and operational standards for self-funded plans for employee benefits—Actuarial standards. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-175, filed 1/21/88.]		

Chapter 392-131**FINANCE—APPORTIONMENT DURING STRIKE**

392-131-005	Purpose. [Order 7-75, § 392-131-005, filed 12/22/75. Formerly WAC 392-13-010.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.
392-131-010	Strike defined. [Order 7-75, § 392-131-010, filed 12/22/75. Formerly WAC 392-13-030.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.
392-131-015	Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period. [Statutory Authority: RCW 28A.41.170. 80-14-017 (Order 80-35), § 392-131-015, filed 9/24/80, effective 11/13/80; Order 7-75, § 392-131-015, filed 12/22/75. Formerly WAC 392-13-020.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.
392-131-020	Work stoppages and maintenance of approved programs for less than 180 days not condoned. [Order 7-75, § 392-131-020, filed 12/22/75. Formerly WAC 392-13-040.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.
392-131-025	Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. [Order 7-75, § 392-131-025, filed 12/22/75. Formerly WAC 392-13-050.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.

Chapter 392-133**FINANCE—SCHOOL DISTRICT PURCHASING PROCEDURES**

392-133-005	Purposes. [Order 18-76, § 392-133-005, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
392-133-010	Definitions. [Order 18-76, § 392-133-010, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.

392-133-015	Solicitation of bids—When required. [Order 18-76, § 392-133-015, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.		Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-133-020	Solicitation of bids by public notice—Procedure. [Order 18-76, § 392-133-020, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.	392-161-025	RAP/URRD program supervision. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-025, filed 7/9/80; Order 7-75, § 392-161-025, filed 12/22/75. Formerly WAC 392-90-820.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-133-025	Submission of bids—Requirements. [Order 18-76, § 392-133-025, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.	392-161-030	Eligibility requirements. [Order 7-75, § 392-161-030, filed 12/22/75. Formerly WAC 392-90-825.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-133-030	Solicitation of bids by telephone—Limitations. [Order 18-76, § 392-133-030, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.	392-161-035	Evidence of school district proposal review. [Order 7-75, § 392-161-035, filed 12/22/75. Formerly WAC 392-90-830.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-133-035	Telephone solicitation—Prequalification of bidders. [Order 18-76, § 392-133-035, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.	392-161-040	Required documentation. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-040, filed 7/9/80; Order 17-76, § 392-161-040, filed 12/21/76; Order 7-75, § 392-161-040, filed 12/22/75. Formerly WAC 392-90-835.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-133-040	Telephone solicitation—Procedure. [Order 18-76, § 392-133-040, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.	392-161-045	Private applicant agency requirement. [Order 7-75, § 392-161-045, filed 12/22/75. Formerly WAC 392-90-840.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-133-045	Bids—Acceptance or rejection. [Order 18-76, § 392-133-045, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.	392-161-050	Authorized program activities. [Order 7-75, § 392-161-050, filed 12/22/75. Formerly WAC 392-90-845.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-133-050	Competitive bids—Exceptions. [Order 18-76, § 392-133-050, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.	392-161-055	Interdistrict or consortium projects. [Order 7-75, § 392-161-055, filed 12/22/75. Formerly WAC 392-90-850.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
Chapter 392-147		392-161-060	Complementary nature of private agency projects. [Order 7-75, § 392-161-060, filed 12/22/75. Formerly WAC 392-90-855.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
TRANSPORTATION—		392-161-065	Fiscal constraints. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-065, filed 7/9/80; Order 7-75, § 392-161-065, filed 12/22/75. Formerly WAC 392-90-860.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
SAFE WALKWAYS TO AND FROM SCHOOL		392-161-070	Basic program thrust summarized. [Order 7-75, § 392-161-070, filed 12/22/75. Formerly WAC 392-90-865.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-147-010	Reimbursement by the state. [Order 7-75, § 392-147-010, filed 12/22/75. Formerly WAC 392-26-010.] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.	392-161-075	URRD program categories. [Order 7-75, § 392-161-075, filed 12/22/75. Formerly WAC 392-90-870.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-147-015	Prior approval by county transportation commission required. [Order 7-75, § 392-147-015, filed 12/22/75. Formerly WAC 392-26-020.] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.	392-161-080	Dropout prevention programs summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-080, filed 7/9/80; Order 7-75, § 392-161-080, filed 12/22/75. Formerly WAC 392-90-875 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-147-020	Report of transportation commission. [Order 7-75, § 392-147-020, filed 12/22/75. Formerly WAC 392-26-030.] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.	392-161-085	Dropout prevention program—Evaluation of effectiveness. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-085, filed 7/9/80; Order 7-75, § 392-161-085, filed 12/22/75. Formerly WAC 392-90-875 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-147-025	Form T-20 required. [Order 7-75, § 392-147-025, filed 12/22/75. Formerly WAC 392-26-040 (part).] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.	392-161-090	Preschool education programs summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-090, filed 7/9/80; Order 7-75, § 392-161-090, filed 12/22/75. Formerly WAC 392-90-880.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
392-147-030	Form T-20. [Order 7-75, § 392-147-030, filed 12/22/75. Formerly WAC 392-26-040 (part).] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.	392-161-095	Preschool education programs—Evaluation of effectiveness. [Order 7-75, § 392-161-095, filed 12/22/75.]
392-147-035	Application for state reimbursement for safe walkway construction. [Order 7-75, § 392-147-035, filed 12/22/75. Formerly WAC 392-26-050.] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.		
Chapter 392-161			
GRANTS MANAGEMENT—URBAN, RURAL, RACIAL, DISADVANTAGED EDUCATION PROGRAMS			
392-161-005	Purposes. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-005, filed 7/9/80; Order 7-75, § 392-161-005, filed 12/22/75. Formerly WAC 392-90-800.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.		
392-161-010	Definitions. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-010, filed 7/9/80; Order 7-75, § 392-161-010, filed 12/22/75. Formerly WAC 392-90-805.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.		
392-161-015	Administrative duties of the superintendent of public instruction. [Order 7-75, § 392-161-015, filed 12/22/75. Formerly WAC 392-90-810.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.		
392-161-020	URRD state advisory committee. [Order 7-75, § 392-161-020, filed 12/22/75. Formerly WAC 392-90-815.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81.		

Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-101 Model educational program summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-101, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-104 Model educational programs—Evaluation of effectiveness. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-104, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-116 Community involvement education programs summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-116, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-118 Community involvement programs—Evaluation of effectiveness. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-118, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-120 Indian education programs summary. [Order 7-75, § 392-161-120, filed 12/22/75. Formerly WAC 392-90-895 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-125 Indian education programs—Evaluation of effectiveness. [Order 7-75, § 392-161-125, filed 12/22/75. Formerly WAC 392-90-895 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-130 General application information. [Order 7-75, § 392-161-130, filed 12/22/75. Formerly WAC 392-90-900.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-135 Legislative concerns and general guidelines. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-135, filed 7/9/80; Order 7-75, § 392-161-135, filed 12/22/75. Formerly WAC 392-90-905.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-140 Review process described. [Order 7-75, § 392-161-140, filed 12/22/75. Formerly WAC 392-90-910.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-145 Basic selection criteria information. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-145, filed 7/9/80; Order 7-75, § 392-161-145, filed 12/22/75. Formerly WAC 392-90-915 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-150 Additional basic selection criteria information. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-150, filed 7/9/80; Order 7-75, § 392-161-150, filed 12/22/75. Formerly WAC 392-90-915 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-155 URRD appeals procedure summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-155, filed 7/9/80; Order 7-75, § 392-161-155, filed 12/22/75. Formerly WAC 392-90-920.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-160 Program evaluation and budgeting procedures. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-160, filed 7/9/80; Order 7-75, § 392-161-160, filed 12/22/75. Formerly WAC 392-90-925.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-165 Integration policy statement. [Order 7-75, § 392-161-165, filed 12/22/75. Formerly WAC 392-90-930.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81.

Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-170 Remedial assistance program (RAP)—Eligibility requirements. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-170, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-175 Remedial assistance program (RAP)—Approved program application. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-175, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-180 Remedial assistance program (RAP) approval requirements. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-180, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

392-161-185 Remedial assistance program (RAP)—Funding adjustments to state allocations of RAP appropriations. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-185, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

Chapter 392-166

SPECIAL SERVICES PROGRAM—STUDENT RETENTION AND RETRIEVAL PROGRAM

392-166-100 Authority. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-100, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-105 Purpose. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-105, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-110 Student retention and retrieval program—Definition. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-110, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-115 Qualifying school districts—Definition. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-166-115, filed 7/19/90, effective 8/19/90. Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-115, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-120 Students at risk—Definition. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-120, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-125 Supplant—Definition. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-125, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-130 Definition—Direct expenditure. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-130, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-135 Applicable financial rules. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-135, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-140 Qualifying school district—Option to participate. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-140, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-145 Priority for funding. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-145, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-150 District application required. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-150, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-155 Cooperative applications. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-155, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-160 Substance of school district application. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-160, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-166-165	Assurances. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-165, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-166-170	Board approval. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-170, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-166-270	Encumbrance period. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-270, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-166-175	Application update. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-175, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-166-275	Subsequent grants. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-275, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-166-180	Criteria for identifying students at risk. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-180, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	Chapter 392-167 GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE III	
392-166-185	Distribution of funds. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-185, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-005	Authority. [Order 7-75, § 392-167-005, filed 12/22/75. Formerly WAC 392-97-005.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-190	Issuance of grant award. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-190, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-010	Purpose. [Order 7-75, § 392-167-010, filed 12/22/75. Formerly WAC 392-97-010.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-195	Supplant prohibition. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-195, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-015	Definitions. [Order 7-75, § 392-167-015, filed 12/22/75. Formerly WAC 392-97-015.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-200	Twenty percent requirement for elementary and middle schools. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-200, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-020	Advisory councils. [Order 7-75, § 392-167-020, filed 12/22/75. Formerly WAC 392-97-020.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-205	Supervisory expenditures. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-205, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-025	Evaluation criteria for approving projects. [Order 7-75, § 392-167-025, filed 12/22/75. Formerly WAC 392-97-025.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-210	Program requirement—Allowable expenditures. [Statutory Authority: RCW 28A.120.068. 88-21-018 (Order 88-23), § 392-166-210, filed 10/7/88. Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-210, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-030	Additional criteria for approving projects. [Order 7-75, § 392-167-030, filed 12/22/75. Formerly WAC 392-97-030.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-215	Budget revisions—Twenty percent allowed. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-215, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-035	Timeline for approving projects. [Order 7-75, § 392-167-035, filed 12/22/75. Formerly WAC 392-97-035.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-220	Budget revisions—Updating planned expenditures. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-220, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-040	Provisions for assuring fifteen percent for special needs of handicapped children. [Order 7-75, § 392-167-040, filed 12/22/75. Formerly WAC 392-97-040.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-225	Budget revision—Approval. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-225, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-045	Criteria for achieving equitable distribution of assistance. [Order 7-75, § 392-167-045, filed 12/22/75. Formerly WAC 392-97-045.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-230	Acquisition, control and disposition of property. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-230, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-050	Provision for private nonprofit school participation. [Order 7-75, § 392-167-050, filed 12/22/75. Formerly WAC 392-97-050.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-235	District records. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-235, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-055	Length of project period. [Order 7-75, § 392-167-055, filed 12/22/75. Formerly WAC 392-97-055.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-240	End of year report. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-240, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-060	Provisions for continuing projects. [Order 7-75, § 392-167-060, filed 12/22/75. Formerly WAC 392-97-060.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-245	End of year evaluation. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-245, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-065	Provisions for terminating Title III projects. [Order 7-75, § 392-167-065, filed 12/22/75. Formerly WAC 392-97-065.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-250	Basic education allocation. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-250, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-070	Provisions for hearings. [Order 7-75, § 392-167-070, filed 12/22/75. Formerly WAC 392-97-070.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-255	Program audit. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-255, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-167-075	Legal applicants. [Order 7-75, § 392-167-075, filed 12/22/75. Formerly WAC 392-97-075.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-166-260	Dissemination. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-260, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	Chapter 392-167A SPECIAL SERVICES—FAIR START EARLY PREVENTION AND INTERVENTION	
392-166-265	Notification of parents. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-265,	392-167A-005	Authority. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-005, filed

	5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-167A-010	Purpose. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-010, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-010	Special education advisory council. [Order 11-76, § 392-171-010, filed 11/1/76; Order 7-75, § 392-171-010, filed 12/22/75. Formerly WAC 392-45-015.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-015	Definition—Fair start program. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-015, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-015	Special education advisory council authority. [Order 11-76, § 392-171-015, filed 11/1/76; Order 7-75, § 392-171-015, filed 12/22/75. Formerly WAC 392-45-020.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-020	Definition—Child intervention specialists or community based human service provider. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-020, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-020	Common school age—Child eligibility. [Order 9-77, § 392-171-020, filed 10/11/77, effective 11/11/77; Order 11-76, § 392-171-020, filed 11/1/76; Order 7-75, § 392-171-020, filed 12/22/75. Formerly WAC 392-45-030.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-025	Definition—Elementary level. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-025, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-025	Procedures for functionally defining handicapping conditions. [Order 11-76, § 392-171-025, filed 11/1/76; Order 7-75, § 392-171-025, filed 12/22/75. Formerly WAC 392-45-035 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-030	Definition—Early intervention services. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-030, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-030	Flow chart for procedures for functionally defining handicapping conditions. [Order 11-76, § 392-171-030, filed 11/1/76; Order 7-75, § 392-171-030, filed 12/22/75. Formerly WAC 392-45-035 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-035	Definition—Prevention services. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-035, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-035	Child as focus of concern. [Order 11-76, § 392-171-035, filed 11/1/76; Order 7-75, § 392-171-035, filed 12/22/75. Formerly WAC 392-45-040.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-040	Definition—Supplant. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-040, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-040	Referral procedure. [Order 11-76, § 392-171-040, filed 11/1/76; Order 7-75, § 392-171-040, filed 12/22/75. Formerly WAC 392-45-045.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-045	Applications for funding—Qualified applicants. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-045, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-045	Parent decision. [Order 11-76, § 392-171-045, filed 11/1/76; Order 7-75, § 392-171-045, filed 12/22/75. Formerly WAC 392-45-050.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-050	Applications for funding—Annual deadline and required contents. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-050, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-050	Decision to terminate. [Order 11-76, § 392-171-050, filed 11/1/76; Order 7-75, § 392-171-050, filed 12/22/75. Formerly WAC 392-45-055.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-055	Applications for funding—Required information. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-055, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-055	Assessment procedures. [Order 11-76, § 392-171-055, filed 11/1/76; Order 7-75, § 392-171-055, filed 12/22/75. Formerly WAC 392-45-060.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-060	Applications for funding—Required assurances. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-060, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-060	Collection of descriptions of child performance. [Order 11-76, § 392-171-060, filed 11/1/76; Order 7-75, § 392-171-060, filed 12/22/75. Formerly WAC 392-45-065.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-065	Applications for funding—Approval or disapproval. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-065, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-065	Assessment or needed consultation by professional resources not employed by school district. [Order 11-76, § 392-171-065, filed 11/1/76; Order 7-75, § 392-171-065, filed 12/22/75. Formerly WAC 392-45-070.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-070	Apportionment of state moneys. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-070, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-070	Assessment. [Order 11-76, § 392-171-070, filed 11/1/76; Order 7-75, § 392-171-070, filed 12/22/75. Formerly WAC 392-45-075.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-075	Allowable expenditures. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-075, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-075	Assessment personnel. [Order 11-76, § 392-171-075, filed 11/1/76; Order 7-75, § 392-171-075, filed 12/22/75. Formerly WAC 392-45-080.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-080	Application revisions. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-080, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-171-080	Analysis of assessment data. [Order 11-76, § 392-171-080, filed 11/1/76; Order 7-75, § 392-171-080, filed 12/22/75. Formerly WAC 392-45-085.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-167A-085	Expenditures and accounting. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-085, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-167A-090	End of year report. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-090, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
Chapter 392-171			
SPECIAL EDUCATION PROGRAMS—EDUCATION FOR ALL HANDICAPPED CHILDREN			
392-171-005	Purposes. [Order 11-76, § 392-171-005, filed 11/1/76; Order 7-75, § 392-171-005, filed 12/22/75. Formerly WAC 392-45-005.] Repealed by 78-11-074 (Order 11-		

392-171-085	78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). Goals and objectives. [Order 7-75, § 392-171-085, filed 12/22/75. Formerly WAC 392-45-090.] Repealed by Emergency Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-090.	
392-171-090	Goals. [Order 11-76, § 392-171-090, filed 11/1/76; Order 7-75, § 392-171-090, filed 12/22/75. Formerly WAC 392-45-095.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-150
392-171-095	Placement options. [Order 11-76, § 392-171-095, filed 11/1/76; Order 7-75, § 392-171-095, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-155
392-171-097	Materials and equipment. [Order 11-76, § 392-171-097, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-160
392-171-100	Regular classroom placement options. [Order 11-76, § 392-171-100, filed 11/1/76; Order 7-75, § 392-171-100, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-165
392-171-105	Self-contained placement options. [Order 11-76, § 392-171-105, filed 11/1/76; Order 7-75, § 392-171-105, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-170
392-171-110	Other placement options. [Order 11-76, § 392-171-110, filed 11/1/76; Order 7-75, § 392-171-110, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-175
392-171-113	Decision that child will not be placed. [Order 11-76, § 392-171-113, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-180
392-171-115	Program criteria necessary for eligibility. [Order 11-76, § 392-171-115, filed 11/1/76; Order 7-75, § 392-171-115, filed 12/22/75. Formerly WAC 392-45-105.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-185
392-171-120	Definitions and criteria for child eligibility. [Order 7-75, § 392-171-120, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-020(2).	392-171-190
392-171-125	Definition of and eligibility criteria for mental retardation—Mildly retarded. [Order 11-76, § 392-171-125, filed 11/1/76; Order 7-75, § 392-171-125, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-195
392-171-130	Definition of and eligibility criteria for mental retardation—Moderately retarded. [Order 11-76, § 392-171-130, filed 11/1/76; Order 7-75, § 392-171-130, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-200
392-171-135	Definition of and eligibility criteria for mental retardation—Severely and profoundly retarded. [Order 11-76, § 392-171-135, filed 11/1/76; Order 7-75, § 392-171-135, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-203
392-171-137	IQ eligibility range variation. [Order 11-76, § 392-171-137, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-205
392-171-140	Definition of and eligibility criteria for sensory handicapped. [Order 11-76, § 392-171-140, filed 11/1/76; Order 7-75, § 392-171-140, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-210
392-171-145	Definition of and eligibility criteria for gross motor and orthopedically handicapped. [Order 11-76, § 392-171-145, filed 11/1/76; Order 7-75, § 392-171-145, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-215

	through contractual arrangements with school districts. [Order 7-75, § 392-171-215, filed 12/22/75. Formerly WAC 392-45-145.] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76.	
392-171-220	Responsibilities of school districts. [Order 11-76, § 392-171-220, filed 11/1/76; Order 7-75, § 392-171-220, filed 12/22/75. Formerly WAC 392-45-150.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-300
392-171-225	Compliance with federal, state and local law. [Order 11-76, § 392-171-225, filed 11/1/76; Order 7-75, § 392-171-225, filed 12/22/75. Formerly WAC 392-45-155.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	
392-171-230	Written policies. [Order 7-75, § 392-171-230, filed 12/22/75. Formerly WAC 392-45-160.] Repealed by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-225(3).	
392-171-235	Coordination of services. [Order 11-76, § 392-171-235, filed 11/1/76; Order 7-75, § 392-171-235, filed 12/22/75. Formerly WAC 392-45-165.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-305
392-171-240	Written contracts. [Order 11-76, § 392-171-240, filed 11/1/76; Order 7-75, § 392-171-240, filed 12/22/75. Formerly WAC 392-45-170.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	
392-171-245	Special placement and parent appeal concerning contractual arrangements. [Order 11-76, § 392-171-245, filed 11/1/76; Order 7-75, § 392-171-245, filed 12/22/75. Formerly WAC 392-45-175.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-310
392-171-250	Interdistrict arrangements. [Order 11-76, § 392-171-250, filed 11/1/76; Order 7-75, § 392-171-250, filed 12/22/75. Formerly WAC 392-45-180.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	
392-171-255	Appeals to school boards—Time periods—Court appointed representatives. [Order 11-76, § 392-171-255, filed 11/1/76; Order 7-75, § 392-171-255, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	
392-171-260	Appeals and sanction procedures—Procedure at the hearing. [Order 11-76, § 392-171-260, filed 11/1/76; Order 7-75, § 392-171-260, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-311
392-171-265	Appeal from board's decision to superintendent of public instruction—Time periods. [Order 11-76, § 392-171-265, filed 11/1/76; Order 7-75, § 392-171-265, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	
392-171-270	Appeals and sanction procedure—Child's continued attendance. [Order 11-76, § 392-171-270, filed 11/1/76; Order 7-75, § 392-171-270, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-315
392-171-275	Sanctions upon noncomplying school districts. [Order 11-76, § 392-171-275, filed 11/1/76; Order 7-75, § 392-171-275, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	
392-171-280	Transportation. [Order 11-76, § 392-171-280, filed 11/1/76; Order 7-75, § 392-171-280, filed 12/22/75. Formerly WAC 392-45-190.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-320
392-171-285	Facilities. [Order 11-76, § 392-171-285, filed 11/1/76; Order 7-75, § 392-171-285, filed 12/22/75. Formerly WAC 392-45-195.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	
392-171-295	Authority. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-171-295, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a).	
	89-23-001 (Order 15), § 392-171-295, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13-070(7). 84-14-036 (Order 84-19), § 392-171-295, filed 6/28/84.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Purposes. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-300, filed 9/13/93, effective 10/14/93. Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-171-300, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-300, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-300, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-300, filed 10/31/78.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Advisory council. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-305, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-305, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-305, filed 10/31/78.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Definitions of "free appropriate, public education," "adult student," "student with disabilities," "parent," and "school district." [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-310, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.13.070(7) and chapter 28A.13 RCW. 90-16-045 (Order 17), § 392-171-310, filed 7/25/90, effective 7/25/90. Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-171-310, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-310, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13-070(7). 80-11-054 (Order 80-31), § 392-171-310, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-310, filed 10/31/78.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Definitions of "assessment," "current assessment," "reassessment," and "consent." [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-311, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-311, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Definition of "special education." [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-315, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.13.070(7) and chapter 28A.13 RCW. 90-16-045 (Order 17), § 392-171-315, filed 7/25/90, effective 7/25/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-315, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-315, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-315, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-315, filed 10/31/78.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Definition of "related services." [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-320, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-320, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-320, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13-070(7). 78-11-074 (Order 11-78), § 392-171-320, filed 10/31/78.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	

392-171-321	Definition—Transition services. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-321, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.155.090. 91-18-004 (Order 91-18), § 392-171-321, filed 8/23/91, effective 9/23/91.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-345	Health impaired—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-345, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-322	Definition—Supplementary services. [Statutory Authority: RCW 28A.13.070(7) and chapter 28A.13 RCW. 90-16-045 (Order 17), § 392-171-322, filed 7/25/90, effective 7/25/90.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-346	General areas of assessment. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-346, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-346, filed 8/19/80. Formerly WAC 392-171-400.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-323	Definition—Assistive technology device and service. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-323, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-350	Specific learning disability—Definition. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-350, filed 11/9/79, effective 1/1/80; 78-11-074 (Order 11-78), § 392-171-350, filed 10/31/78.] Decoded by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-406.
392-171-324	Definition—Availability of assistive technology. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-324, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-351	General assessment safeguards—Personnel, materials and procedures. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-351, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-351, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-351, filed 2/21/86; 84-14-036 (Order 84-19), § 392-171-351, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-351, filed 8/19/80. Formerly WAC 392-171-405.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-325	Students' rights to special education programs. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-325, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-325, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-325, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-325, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-325, filed 10/31/78.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-355	Specific learning disability—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-355, filed 11/9/79, effective 1/1/80; 78-11-074 (Order 11-78), § 392-171-355, filed 10/31/78.] Decoded by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-411.
392-171-330	Behavioral disability—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-330, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-356	Specific learning disability—Exceptions to general eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-356, filed 11/9/79, effective 1/1/80.] Decoded by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-416.
392-171-331	Continuing eligibility. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-331, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-331, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-331, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-358	Communication disorders—Assessment. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-358, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-358, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-358, filed 8/19/80. Formerly WAC 392-171-420.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-335	Communication disorders—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-335, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-360	Mental retardation—Mildly retarded—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-360, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-336	Childfind. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-336, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-336, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-336, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-361	Medical evaluation. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-171-361, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-361, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-361, filed 8/19/80. Formerly WAC 392-171-425.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-340	Gross motor and orthopedically handicapped—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-340, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-365	Mental retardation—Moderately retarded—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-365, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-341	Student as focus of concern—Preassessment procedures—Timeline. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-341, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-341, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-341, filed 8/19/80. Formerly WAC 392-171-395.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-366	Summary analysis of assessment data. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-366, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007

	(Order 86-1), § 392-171-366, filed 2/21/86; 84-14-036 (Order 84-19), § 392-171-366, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-366, filed 8/19/80. Formerly WAC 392-171-430.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
392-171-370	Mental retardation—Severely and profoundly retarded—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-370, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-385
392-171-371	Independent educational assessment. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-371, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.13.070(7) and chapter 28A.13 RCW. 90-16-045 (Order 17), § 392-171-371, filed 7/25/90, effective 7/25/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-371, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-371, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-371, filed 8/19/80. Formerly WAC 392-171-435.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-386
392-171-375	Mental retardation—I.Q. eligibility range variation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-375, filed 10/31/78.] Decoded by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-426.	392-171-390
392-171-376	School district decision. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-376, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-376, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-391
392-171-380	Multiple handicapped—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-380, filed 10/31/78.] Decoded by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-431.	392-171-395
392-171-381	Definition and eligibility criteria for developmentally disabled. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-381, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-381, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-381, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-381, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-396
392-171-382	Definition and eligibility criteria for developmentally delayed. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-382, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-382, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-382, filed 6/28/84.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-400
392-171-383	Areas of developmental delay—Definitions. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-383, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-383, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-383, filed 6/28/84.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-401
392-171-384	Distinction between developmentally handicapped and communication disorder—Reassessment of developmentally delayed upon entry to first grade. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-384, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-384, filed 6/28/84.] Repealed	392-171-405
	by 93-19-063 (Order 93-13), filed 9/13/93, effective 10/14/93. Statutory Authority: Chapter 28A.155 RCW.	392-171-406
	Neurological impairment—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-385, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	
	Definition and eligibility criteria for seriously behaviorally disabled. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-386, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-386, filed 6/28/84; 83-08-029 (Order 83-1), § 392-171-386, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-386, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Sensory handicapped—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-390, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	
	Definition and eligibility criteria for communication disordered. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-391, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-391, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-391, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Student as focus of concern—Preassessment procedures—Timeline. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-395, filed 10/31/78.] Decoded by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-341.	
	Definition and eligibility criteria for orthopedically impaired. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-396, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-396, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	General areas of assessment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-400, filed 10/31/78.] Decoded by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-346.	
	Definition and eligibility criteria for health impaired. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-401, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-401, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-401, filed 6/28/84; 83-08-029 (Order 83-1), § 392-171-401, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-401, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	General assessment personnel, materials and report requirements. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-405, filed 10/31/78.] Decoded by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-351.	
	Specific learning disability—Definition. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-406, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-406, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-406, filed 8/19/80. Formerly WAC 392-171-350.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Learning/language disabled students—Additional assessment team members—Classroom observation. [Statutory Authority: RCW 28A.13.010 and 28A.13.-	

	070(7). 78-11-074 (Order 11-78), § 392-171-410, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).		
392-171-411	Specific learning disability—Assessment procedures and eligibility criteria. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-411, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-411, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-411, filed 8/19/80. Formerly WAC 392-171-355.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-431	tory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-366.
392-171-412	Discrepancy tables for determining severe discrepancy under WAC 392-171-413. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-412, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-412, filed 6/28/84.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-435	Definition and eligibility criteria for multihandicapped. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-431, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-431, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-431, filed 8/19/80. Formerly WAC 392-171-380.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-413	Method for documenting severe discrepancy—Grades one and above. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-413, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-413, filed 6/28/84.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-436	Independent educational assessment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-435, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-371.
392-171-415	Learning/language disabled students—Written report of assessment team. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-415, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-440	Definition and eligibility criteria for deaf. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-436, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-436, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-416	Specific learning disability—Exceptions to general eligibility criteria. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-416, filed 8/19/80. Formerly WAC 392-171-356. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-356, filed 11/9/79, effective 1/1/80.] Repealed by 84-14-036 (Order 84-19), filed 6/28/84. Statutory Authority: RCW 28A.13.070(7).	392-171-441	Meetings. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-440, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-456.
392-171-418	Additional method for documenting severe discrepancy—Grades seven and above. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-418, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-418, filed 6/28/84.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-445	Definition and eligibility criteria for hard of hearing. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-441, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-441, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-420	Speech impaired students—Assessment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-420, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-358.	392-171-446	Individualized education program. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-445, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-461.
392-171-421	Definition and eligibility criteria for mental retardation. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-421, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-421, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-450	Definition and eligibility criteria for visually handicapped. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-446, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-446, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-425	Medical evaluation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-425, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-361.	392-171-451	Initial educational placement—Notice—Consent. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-450, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-466.
392-171-426	Mental retardation—I.Q. eligibility range variation. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-426, filed 8/19/80. Formerly WAC 392-171-375. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-375, filed 10/31/78.] Repealed by 84-14-036 (Order 84-19), filed 6/28/84. Statutory Authority: RCW 28A.13.070(7).	392-171-452	Definition and eligibility criteria for deaf-blind. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-451, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-451, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-430	Analysis of assessment data. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-430, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statu-	392-171-454	Definition and eligibility criteria for autism. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-452, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
		392-171-455	Definition and eligibility criteria for traumatic brain injury. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-454, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
			Least restrictive environment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-455, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).

392-171-456	Meetings. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-456, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.155.090 and 28A.300.070. 91-01-033, § 392-171-456, filed 12/11/90, effective 1/11/91. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-456, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-456, filed 8/19/80. Formerly WAC 392-171-440.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.		Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-457	Individual education plan to be in effect. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-457, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-475	Self-contained program options. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-475, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-460	Placement options—Selection—Required considerations. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-460, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-481.	392-171-476	Continuum of alternative placements. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-476, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-476, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-476, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-461	Individualized education program. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-461, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.155.090. 91-18-004 (Order 91-18), § 392-171-461, filed 8/23/91, effective 9/23/91. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-461, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-461, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-461, filed 8/19/80. Formerly WAC 392-171-445.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-480	Other program placement options. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-480, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-486.
392-171-462	Parent notice—Transition services. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-462, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-481	Placement options—Selection—Required considerations. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-481, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.-220 [(1)](a). 89-23-001 (Order 15), § 392-171-481, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-481, filed 8/19/80. Formerly WAC 392-171-460.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-463	Transition services participants. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-463, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-485	Annual placement evaluation—Periodic reassessments—Program improvement. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-485, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-511.
392-171-464	Required student participation—Transition. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-464, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-486	Home/hospital instruction. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-486, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-486, filed 8/19/80. Formerly WAC 392-171-480.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-465	Regular education program option. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-465, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-490	When notice must be given. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-490, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-521.
392-171-466	Initial educational placement—Notice—Consent. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-466, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-466, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-466, filed 8/19/80. Formerly WAC 392-171-450.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-491	Contractual services. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-171-491, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-491, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-491, filed 8/19/80. Formerly WAC 392-171-605.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-470	Resource program option. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-470, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-495	Contents of notice. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-495, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-526.
392-171-471	Least restrictive environment. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-471, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-471, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-471, filed 8/19/80.]	392-171-496	Approval of nonpublic and public school agencies. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-496, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-496, filed 8/19/80. Formerly WAC 392-171-610.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
		392-171-500	Right to initiate—Purposes. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-500, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Author-

	ity: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-531.	392-171-514	Reassessment—Purposes. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-514, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-514, filed 2/21/86.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-501	School district responsibility when contracting for placement in a nonpublic or public school agency. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-501, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-501, filed 8/19/80. Formerly WAC 392-171-615.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-515	Timeline for hearing officer's decision—Time and place of hearing. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-515, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-556.
392-171-504	Implementation by state. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-504, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-516	Reassessment—Notice of results. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-516, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-516, filed 2/21/86; 84-14-036 (Order 84-19), § 392-171-516, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-516, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-505	Hearing officers—Selection and expenses of—Parent assistance. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-505, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-536.	392-171-517	Reassessment—Three-year requirement. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-517, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-517, filed 2/21/86.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-506	Out-of-state agencies. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-506, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-506, filed 8/19/80. Formerly WAC 392-171-620.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-518	Reassessment—Appropriate identification or classification. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-518, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-518, filed 2/21/86.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-507	Placement of students by parents. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-507, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-519	Reassessment—Appropriateness of program. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-519, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-519, filed 2/21/86.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-508	Students in public or private institutions. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-508, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-520	Final decision—Appeal. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-520, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-561.
392-171-509	Technical assistance training and monitoring activities. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-509, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-521	When notice must be given. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-521, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-521, filed 8/19/80. Formerly WAC 392-171-490.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-510	Hearing rights. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-510, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-551.	392-171-522	General responsibility of public agencies. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-522, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-511	Annual review of placement and student progress—Program improvement. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-511, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-511, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-511, filed 8/19/80. Formerly WAC 392-171-485.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-524	Parent consent. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-524, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-512	Reassessment—Requirement. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-512, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-512, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-512, filed 2/21/86.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-525	Appeals to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-525, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-566.
392-171-513	Reassessment—Notice requirement. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-513, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-513, filed 2/21/86.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-526	Contents of notice. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-526, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-526, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-526, filed 8/19/80. Formerly WAC 392-

	171-495.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.		10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-530	Timeline for reviewing officer's decision—Time and place of hearings—Final decision. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-530, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-555	Access rights. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-555, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-531	Right to initiate—Purposes. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-531, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-531, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-531, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-531, filed 8/19/80. Formerly WAC 392-171-500.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-556	Timeline for hearing officer's decision—Time and place of hearing. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-556, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-556, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-556, filed 8/19/80. Formerly WAC 392-171-515.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-533	Transmittal of complaint by school district to superintendent of public instruction. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-533, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-533, filed 9/6/84.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-559	Prospective application to amendments in Washington Administrative Code affecting hearings. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-559, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-559, filed 9/6/84.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-535	Student's status during hearing and state or judicial review processes. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-535, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-576.	392-171-560	Record or access. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-560, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-536	Hearing officers—Selection and expenses of—Parent assistance. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-536, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-536, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-536, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-536, filed 8/19/80. Formerly WAC 392-171-505.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-561	Final decision—Appeal to court of law. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-561, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-561, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-561, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-561, filed 8/19/80. Formerly WAC 392-171-520.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-540	Surrogate parents. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-540, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-564	Attorneys' fees. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-564, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-541	Hearing officers—Scheduling and conduct of hearings. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-541, filed 8/19/80.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).	392-171-565	Records on more than one student. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-565, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-545	Definition of "education records" as used in records rules. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-545, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-586.	392-171-566	Appeals to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.070(7). 84-11-037 (Order 84-7), § 392-171-566, filed 5/15/84; 80-11-054 (Order 80-31), § 392-171-566, filed 8/19/80. Formerly WAC 392-171-525.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).
392-171-546	Evidence. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-546, filed 8/19/80.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).	392-171-570	List of types and locations of information. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-570, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-550	Definitions used in records rules—"Destruction"—"Native language"—And "participating agency." [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-550, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-591.	392-171-571	Timeline for reviewing officer's decision—Time and place of hearings—Final decision. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-571, filed 8/19/80.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).
392-171-551	Hearing rights. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-551, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-551, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-551, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-551, filed 8/19/80. Formerly WAC 392-171-510.] Repealed by 95-21-055 (Order 95-11), filed	392-171-575	Fees. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-575, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
		392-171-576	Student's status during hearing and judicial review processes. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-576, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-576, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-576, filed 8/19/80. Formerly WAC 392-171-535.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95,

	effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.		ity: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-491.
392-171-580	Amendment of records at the request of a parent or adult student. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-580, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.-070(7).	392-171-606	Records on more than one student. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-606, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-606, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-581	Surrogate parents. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-581, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-581, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 81-19-012 (Order 81-25), § 392-171-581, filed 9/4/81; 80-11-054 (Order 80-31), § 392-171-581, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-610	Approval of nonpublic school agencies. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-610, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-496.
392-171-585	Hearing procedures regarding records. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-585, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-611	List of types and locations of information. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-611, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-611, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-586	Definition of "education records" as used in records rules. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-586, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.-070(7). 80-11-054 (Order 80-31), § 392-171-586, filed 8/19/80. Formerly WAC 392-171-545.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-615	School district responsibility when contracting for placement in a nonpublic school agency. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-615, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-501.
392-171-590	Consent. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-590, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.-070(7).	392-171-616	Fees. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-616, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-616, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-591	Definitions used in records rules—"Destruction"—"Native language"—"And "Participating agency." [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-591, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-591, filed 8/19/80. Formerly WAC 392-171-550.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-620	Out-of-state agencies. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-620, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-506.
392-171-593	Notice to parents. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-593, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-621	Amendment of records at the request of a parent or adult student. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-621, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-621, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-595	Safeguards. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-595, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-625	Definition—"Private school handicapped student(s)." [Statutory Authority: RCW 28A.13.010 and 28A.13.-070(7). 78-11-074 (Order 11-78), § 392-171-625, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.-070(7). Later promulgation, see WAC 392-171-646.
392-171-596	Access rights. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-596, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-596, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7) and 28A.02.100. 84-20-093 (Order 84-48), § 392-171-596, filed 10/2/84. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-596, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-626	Hearing procedures regarding records. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-626, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-626, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-600	Destruction of information. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-600, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-630	School district responsibility for private school handicapped students. [Statutory Authority: RCW 28A.13.-010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-630, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-651.
392-171-601	Record of access. [Statutory Authority: RCW 34.05.-220 [(1)](a). 89-23-001 (Order 15), § 392-171-601, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7) and 28A.02.100. 84-20-093 (Order 84-48), § 392-171-601, filed 10/2/84. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-601, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-631	Consent. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-631, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-631, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-631, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-605	Contractual services. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-605, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Author-	392-171-635	Determination of needs, numbers of students and types of services. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-635, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.-070(7).

392-171-636	Safeguards. [Statutory Authority: RCW 28A.155.090 and 28A.155.030. 90-19-054 (Order 31), § 392-171-636, filed 9/14/90, effective 10/15/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-636, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-636, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.		
392-171-640	Service arrangements. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-640, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-666	Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Personnel in private schools and agencies. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-666, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-666, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-641	Destruction of information. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-641, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-641, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-670	Annual applications—Contents. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-670, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-691.
392-171-645	Personnel in private schools and agencies. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-645, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-671	Equipment—Construction. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-671, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-671, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-646	Definition—"Private school student(s) with disabilities." [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-646, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-646, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-646, filed 8/19/80. Formerly WAC 392-171-625.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-675	Denial of applications—Opportunity for hearing. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-675, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-696.
392-171-650	Equipment—Construction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-650, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-676	Prohibition of segregation. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-676, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-676, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-651	School district responsibility for private school students with disabilities. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-651, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-651, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-651, filed 8/19/80. Formerly WAC 392-171-630.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-680	Monitoring. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-680, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-655	Prohibition of segregation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-655, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-681	Funds and property not to benefit private schools. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-681, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-681, filed 8/19/80. Formerly WAC 392-171-660.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-656	Determination of needs, numbers of students and types of services. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-656, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-656, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-685	Staff qualifications. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-685, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
392-171-660	Funds and property not to benefit private schools. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-660, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-681.	392-171-686	Existing level of instruction. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-686, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-686, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-661	Service arrangements. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-661, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-661, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-661, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-688	State responsibility. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-688, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-665	Existing level of instruction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-665, filed 10/31/78.]	392-171-690	Transportation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-690, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-706.
		392-171-691	Annual applications—Contents. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-691, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-691, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-691, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-691, filed 8/19/80. Formerly WAC 392-171-670.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
		392-171-695	Facilities. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-

	695, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-711.		
392-171-696	Denial of applications—Opportunity for hearing. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-696, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-696, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-696, filed 8/19/80. Formerly WAC 392-171-675.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-726	Administration of medication. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-726, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-726, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-700	Comparable facilities. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-700, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-728	Interagency agreements. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-728, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-701	Staff qualifications. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-701, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-701, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-730	Recovery of funds. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-730, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-751.
392-171-705	Program length. [Statutory Authority: RCW 28A.13.-010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-705, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-721.	392-171-731	Monitoring. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-731, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-731, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-731, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-706	Transportation. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-706, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-706, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-706, filed 8/19/80. Formerly WAC 392-171-690.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-735	Fund withholdings to enforce parent appeal decisions. [Statutory Authority: RCW 28A.13.010 and 28A.13.-070(7). 78-11-074 (Order 11-78), § 392-171-735, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.-070(7). Later promulgation, see WAC 392-171-756.
392-171-710	Administration of medication. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-710, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).	392-171-736	Definition of "unlawfully received or expended funds." [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-736, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-736, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-736, filed 8/19/80. Formerly WAC 392-171-715.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-711	Facilities. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-171-711, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-711, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.-070(7). 80-11-054 (Order 80-31), § 392-171-711, filed 8/19/80. Formerly WAC 392-171-695.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-740	Right to register and process complaints. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-740, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-761.
392-171-715	Definition of "unlawfully received or expended funds." [Statutory Authority: RCW 28A.13.010 and 28A.13.-070(7). 78-11-074 (Order 11-78), § 392-171-715, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.-070(7). Later promulgation, see WAC 392-171-736.	392-171-741	Audits. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-741, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.-070(7). 80-11-054 (Order 80-31), § 392-171-741, filed 8/19/80. Formerly WAC 392-171-720.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-716	Comparable facilities. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-716, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-716, filed 8/19/80.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-745	Designation of responsible school district employee. [Statutory Authority: RCW 28A.13.010 and 28A.13.-070(7). 78-11-074 (Order 11-78), § 392-171-745, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.-070(7). Later promulgation, see WAC 392-171-766.
392-171-720	Audits. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-720, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-741.	392-171-746	Fund withholding. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-746, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-746, filed 8/19/80. Formerly WAC 392-171-725.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
392-171-721	Program length. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-721, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-721, filed 8/19/80. Formerly WAC 392-171-705.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-750	School district investigation of and response to complaints. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-750, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-771.
392-171-725	Fund withholding. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-	392-171-751	Recovery of funds. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-751, filed 11/2/89, effective 12/3/89. Statutory Author-

	ity: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-751, filed 8/19/80. Formerly WAC 392-171-730.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
392-171-755	Appeal to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-755, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.-070(7). Later promulgation, see WAC 392-171-776.	392-171-815
392-171-756	Fund withholdings to enforce parent appeal decisions. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-756, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-756, filed 8/19/80. Formerly WAC 392-171-735.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-820
392-171-760	Actions in response to notices of appeal. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-760, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-781.	392-171-825
392-171-761	Right to register and process complaints. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-761, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 88-15-020 (Order 88-18), § 392-171-761, filed 7/11/88; 83-08-029 (Order 83-1), § 392-171-761, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-761, filed 8/19/80. Formerly WAC 392-171-740.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-830
392-171-766	Complaint directed to school district and designation of responsible school district employee. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-766, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-766, filed 8/19/80. Formerly WAC 392-171-745.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).	392-171-835
392-171-771	School district investigation of and response to complaints directed to the school district. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-771, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-771, filed 8/19/80. Formerly WAC 392-171-750.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).	392-171-900
392-171-776	Appeal to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-776, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-776, filed 8/19/80. Formerly WAC 392-171-755.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.-070(7).	392-171-901
392-171-781	Actions in response to notices of appeal and notices registering complaints. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-781, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-781, filed 8/19/80. Formerly WAC 392-171-760.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).	392-171-905
392-171-786	Special education program funding and reporting criteria for the 1980-81 school year. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-786, filed 8/19/80.] Repealed by 81-20-003 (Order 81-29), filed 9/24/81. Statutory Authority: RCW 28A.41.170.	392-171-910
392-171-800	Aversive therapy—Purpose. [Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7). 90-10-096 (Order 90-04), § 392-171-800, filed 5/2/90, effective 6/2/90.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-915
392-171-805	Aversive therapy—Definition. [Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7). 90-10-096 (Order 90-04), § 392-171-805, filed 5/2/90, effective 6/2/90.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-925
392-171-810	Aversive therapy—Definition of student with a handicapping condition. [Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7). 90-10-096 (Order 90-04), § 392-171-810, filed 5/2/90, effective 6/2/90.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-930
	Aversive therapy—Prohibited forms. [Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7). 90-10-096 (Order 90-04), § 392-171-815, filed 5/2/90, effective 6/2/90.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-935
	Aversive therapy—Other forms—Conditions. [Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7). 90-10-096 (Order 90-04), § 392-171-820, filed 5/2/90, effective 6/2/90.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	392-171-940
	Aversive therapy—Individualized education program requirements. [Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7). 90-10-096 (Order 90-04), § 392-171-825, filed 5/2/90, effective 6/2/90.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Aversive therapy—Parent complaint process. [Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7). 90-10-096 (Order 90-04), § 392-171-830, filed 5/2/90, effective 6/2/90.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Transition to preschool program. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-835, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Comprehensive system of personnel development. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-900, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Definitions. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-901, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Scope of system. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-905, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Establishment of a comprehensive system of personnel development advisory subcommittee. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-910, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Annual needs assessment. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-915, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Data system on personnel and personnel development. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-925, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Other sources of annual needs assessment data. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-930, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Report of current and projected personnel needs. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-935, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.	
	Administration of continuing education. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-940, filed 9/13/93, effective	

10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.

- 392-171-945 Personnel development plan. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-945, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-950 Provision of technical assistance. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-950, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-955 Personnel standards. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-955, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-960 Professional standards review. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-960, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.

Reviser's note: Later promulgation, see chapter 392-172 WAC.

Chapter 392-181

PART-TIME PUBLIC SCHOOL STUDENTS

- 392-181-005 Purposes. [Order 7-75, § 392-181-005, filed 12/22/75. Formerly WAC 392-70-020.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-010 Definitions. [Order 7-75, § 392-181-010, filed 12/22/75. Formerly WAC 392-70-045.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-015 Attendance rights of part-time public school students. [Order 7-75, § 392-181-015, filed 12/22/75. Formerly WAC 392-70-040.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-020 Enrollment practices and conditions. [Order 7-75, § 392-181-020, filed 12/22/75. Formerly WAC 392-70-055 (part).] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-025 Provision of educational program to part-time public school students—Reports—Sites. [Order 7-75, § 392-181-025, filed 12/22/75. Formerly WAC 392-70-055 (part) and 392-70-065.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-030 Apportionment procedures. [Order 7-75, § 392-181-030, filed 12/22/75. Formerly WAC 392-70-075.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-035 Compliance with rules as a condition to apportionment. [Order 7-75, § 392-181-035, filed 12/22/75. Formerly WAC 392-70-070.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).

Chapter 392-183

STUDENTS—TRANSFER APPEALS

- 392-183-005 Purpose. [Order 4-77, § 392-183-005, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03-030(3).
- 392-183-010 Definitions. [Order 4-77, § 392-183-010, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03-030(3).
- 392-183-015 Right of appeal. [Order 4-77, § 392-183-015, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-020 Appeal notice. [Order 4-77, § 392-183-020, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-025 Hearing. [Order 4-77, § 392-183-025, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-

13), filed 4/15/80. Statutory Authority: RCW 28A.03-030(3).

- 392-183-030 Grounds for an order of release. [Order 4-77, § 392-183-030, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).

Chapter 392-193

SCHOOL PERSONNEL—PERMITS FOR ALIENS

- 392-193-005 Authority. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-193-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-005, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-010 Purpose. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-010, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-020 Applicability to teachers only. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-193-020, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-020, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-025 Teacher—Defined. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-025, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-030 Alien—Defined. [Statutory Authority: RCW 28A.67-020. 85-21-043 (Order 85-11), § 392-193-030, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-035 Alien permits required. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-035, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-045 Immigrant alien permits—Requirements. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-045, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-050 Conversion of immigrant alien permit to regular certificate. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-050, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-055 Nonimmigrant alien permits—Requirements. [Statutory Authority: RCW 28A.67.020. 90-20-015 (Order 24), § 392-193-055, filed 9/21/90, effective 10/22/90. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-193-055, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-055, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-060 Alien permits—Revocation—Hearing rights. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-060, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

Chapter 392-310

GRANT PROGRAM—SCHOOLS FOR THE TWENTY-FIRST CENTURY

- 392-310-010 Authority. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-310-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-010, filed 3/1/88.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-310-015 Purpose. [Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-015, filed 3/1/88.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-310-020 Administrative functions of the superintendent of public instruction. [Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-020, filed 3/1/88.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-310-025 Incorporation by reference of state board of education rules. [Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-025, filed 3/1/88.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

Chapter 392-315

GRANT PROGRAM—PROJECT EVEN START

- 392-315-005 Authority. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-315-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-005, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed

	8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-085	Assurance to submit annual evaluation report to the superintendent of public instruction. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-085, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-010	Purpose. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-010, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-090	Reporting requirements. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-090, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-015	Public policy goals of project even start. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-015, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-095	Request for even start project grants to the superintendent of public instruction. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-095, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-020	Project even start—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-020, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-100	Assurance of cooperation with state auditor. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-100, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-025	Child development knowledge—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-025, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-105	Assurance of service to targeted groups. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-105, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-030	Other eligible program components—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-030, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-110	Priority groups. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-110, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-035	Eligible grantee—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-035, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-115	Date of receipt of even start project proposals. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-115, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-040	Eligible parents—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-040, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-120	Even start advisory committee. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-120, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-045	Basic skills—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-045, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-125	Duties of even start advisory committee. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-125, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-050	Standardized test—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-050, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-130	Priority projects. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-315-130, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-130, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-055	Transportation—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-055, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-135	Coordination of programs. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-135, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-060	Child care—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-060, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-140	Evaluation criteria for project even start. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-140, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-065	Directly necessary activities—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-065, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-145	Performance standards for project even start. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-145, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-070	Indirect expenditures—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-070, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-150	Administrative expenditures. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-150, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-075	Assurance of nonsupplanting—Program standard. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-315-075, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-075, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-155	Liability insurance. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-155, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
392-315-080	Assurance of cooperation with the department of social and health services regarding public assistance reports—Program standard. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-315-080, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-080, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.	392-315-160	Bonding. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-160, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-165 Maximum grant award per participant. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-165, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

Chapter 392-100 WAC DEFINITIONS, GENERAL PROVISIONS, AND RULES OF CONSTRUCTION

WAC

392-100-005	Purpose.
392-100-010	Definitions.
392-100-050	Agency abbreviations.
392-100-060	Other abbreviations.
392-100-100	Definition—Low-income student.
392-100-101	Documentation of low-income eligibility.
392-100-102	Confidentiality of low-income eligibility.

WAC 392-100-005 Purpose. The purpose of this chapter is to establish the definition of common terms used in Title 392 WAC and rules of construction applicable to Title 392 WAC.

[Order 7-75, § 392-100-005, filed 12/22/75.]

WAC 392-100-010 Definitions. As used in Title 392 WAC, the term:

(1) "Superintendent of public instruction" shall mean the public officer duly elected to the office of superintendent of public instruction and any authorized subordinate or agent of such public officer unless the context limits application of the term to the public officer himself or herself.

(2) "Superintendent" shall mean the superintendent of public instruction unless the context requires that the term be interpreted as having reference to the superintendent of a school district or the superintendent of an educational service district or another chief executive officer of an educational entity.

[Order 7-75, § 392-100-010, filed 12/22/75.]

WAC 392-100-050 Agency abbreviations. As used in Title 392 WAC, the abbreviation:

- (1) "SPI" means the superintendent of public instruction;
- (2) "SBE" means the state board of education;
- (3) "ESD" means an educational service district;
- (4) "DSHS" means the department of social and health services.

[Statutory Authority: RCW 28A.03.030. 87-10-012 (Order 87-4), § 392-100-050, filed 4/28/87.]

WAC 392-100-060 Other abbreviations. As used in Title 392 WAC, the abbreviation:

- (1) "FTE" means full-time equivalent;
- (2) "LAP" means learning assistance program;
- (3) "VTI" means vocational-technical institute.

[Statutory Authority: RCW 28A.03.030. 90-11-027 (Order 90-07), § 392-100-060, filed 5/9/90, effective 6/9/90; 87-10-012 (Order 87-4), § 392-100-060, filed 4/28/87.]

WAC 392-100-100 Definition—Low-income student. As used in Title 392 WAC, "low-income student" means a student whose parent(s) or guardian(s) have an annual income equal to or less than one hundred eighty-five percent

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of the Income Poverty Guidelines published by the United States Department of Health and Human Services in Federal Register No. 220-91 56FR6859 or as later amended (i.e., the standard adopted by the United States Department of Agriculture for reduced priced meals).

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-100-100, filed 1/22/92, effective 2/22/92.]

WAC 392-100-101 Documentation of low-income eligibility. For purposes of Title 392 WAC, a student's eligibility as a low-income student shall be documented by either:

(1) A notice of eligibility presented by a parent or guardian of the student indicating that the student is approved for free or reduced priced meals or free milk for the current school year; or

(2) A statement or form signed by a parent or guardian of the student stating that the income of the student's parent(s) or guardian(s) meets the criteria for low-income during the current school year pursuant to WAC 392-100-100.

[Statutory Authority: RCW 28A.150.290. 92-20-062 (Order 92-11), § 392-100-101, filed 10/2/92, effective 11/2/92. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-100-101, filed 1/22/92, effective 2/22/92.]

WAC 392-100-102 Confidentiality of low-income eligibility. School districts shall use information contained in the notice of eligibility or other such forms or statements only to determine low-income status or to compile the number of students that are low-income. School districts may not release information contained in a notice of eligibility or other such forms or statements. School districts may release the number of low-income students so long as the students are not identified. Such information is to be used for state allocations and for statistical purposes.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-100-102, filed 1/22/92, effective 2/22/92.]

Chapter 392-101 WAC SUPERINTENDENT OF PUBLIC INSTRUCTION— ADMINISTRATIVE PRACTICES AND PROCEDURES

WAC

392-101-001	Authority.
392-101-005	Administrative practices regarding hearings and rule proceedings.
392-101-010	Conduct of administrative hearings.
392-101-015	Determination of indigency—Provision of free transcript.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-08 WAC, entitled Practice and procedure, has been superseded by chapter 392-101 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes relative thereto.

WAC 392-101-001 Authority. The authority for this chapter is RCW 34.05.220 which authorizes the superintendent of public instruction to adopt rules governing the formal and informal procedures prescribed or authorized by chapter 34.05 RCW.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-101-001, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 34.04.-020. 83-17-057 (Order 83-5), § 392-101-001, filed 8/17/83.]

WAC 392-101-005 Administrative practices regarding hearings and rule proceedings. The superintendent of public instruction is governed by the state Administrative Procedure Act, chapter 34.05 RCW, the Washington State Register Act, chapter 34.08 RCW, and the state office of Administrative Hearings Act, chapter 34.12 RCW. These acts govern the conduct of "rule" making proceedings and the conduct of "contested case" hearings as these terms are defined in RCW 34.05.010 (2) and (3). Appearances in representative capacities before the superintendent of public instruction; the procedures and conditions governing petitions for declaratory rulings or the adoption, amendment, or repeal of a rule; and, the standards, procedures and conditions governing the conduct of contested case hearings and proceedings by or before the superintendent of public instruction shall be as set forth in rules of the state code reviser and the office of administrative hearings as now or hereafter amended. The rules of the code reviser are currently set forth in chapters 1-08 and 1-21 WAC. The rules of the office of administrative hearings are currently set forth in chapter 10-08 WAC.

All other regulatory actions and hearings conducted by the superintendent of public instruction may be conducted informally at the discretion of the superintendent.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-101-005, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 34.04.-020. 83-17-057 (Order 83-5), § 392-101-005, filed 8/17/83; Order 7-75, § 392-100-005, filed 12/22/75.]

WAC 392-101-010 Conduct of administrative hearings. The superintendent of public instruction hereby assigns the following administrative hearings to the office of administrative hearings and hereby delegates to the administrative law judge conducting any such hearing the authority to render the final decision by the superintendent of public instruction:

- (1) Nonresident transfer appeals pursuant to WAC 392-137-055(2).
- (2) Special education hearings pursuant to WAC 392-171-531.
- (3) Equal educational opportunity complaints pursuant to WAC 392-190-075.
- (4) Professional certification appeals pursuant to WAC 180-75-030.
- (5) Child care food program and summer food service program appeals pursuant to 7 C.F.R. Parts 225 and 226.
- (6) Traffic safety education appeals pursuant to WAC 392-153-005 through 392-153-040.

[Statutory Authority: RCW 46.20.100(2) and chapter 28A.220 RCW. 91-18-007 (Order 91-17), § 392-101-010, filed 8/23/91, effective 9/23/91. Statutory Authority: RCW 34.04.020. 89-17-067 (Order 89-07), § 392-101-010, filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.03.500. 87-10-013 (Order 87-5), § 392-101-010, filed 4/28/87.]

WAC 392-101-015 Determination of indigency—Provision of free transcript. A determination of indigency shall be made for all persons wishing the provision of a free transcript of proceedings pursuant to the following standards:

- (1) Any person(s) receiving one or more of the following type of public assistance: Aid to families with dependent children, general assistance, poverty related veterans' bene-

fits, food stamps, refugee resettlement benefits, Medicaid, or supplementary security income.

- (2) Any person(s) receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level.

TOTAL INCOME

V. MONTHLY EXPENSES (for applicant and dependents; average where applicable)

a. Basic living costs -	\$
Shelter (rent, mortgage, board)	\$
Utilities (heat, electricity, water); enter 0 if included in cost of shelter	\$
Food	\$
Clothing	\$
Health Care	\$
Transportation	\$
Loan Payments (specify) _____	\$
b. Court imposed obligations (check) _____ Fines _____ Court Costs _____ Restitution _____ Support _____ Other	\$
c. Other expenses (specify)	\$
TOTAL EXPENSES	\$

VI. TOTAL INCOME PART IV, MINUS TOTAL EXPENSES PART V

Disposable Net Monthly Income

\$

VII. LIQUID ASSETS

a. Cash, savings, bank accounts (include joint accounts)	\$
b. Stocks, bonds, certificates of deposit	\$
c. Equity in real estate	\$
d. Equity in motor vehicle required for employment, IF over \$3,000 (list overage: value minus \$3,000) Make of car: _____ Year: _____	\$
e. Equity in additional vehicles (list total value)	\$
f. Personal property (jewelry, boat, stereo, etc.)	\$
TOTAL LIQUID ASSETS	\$

VIII. DETERMINATION OF INDIGENCY

a. Disposable Net Monthly Income (from Section VI.)	\$
b. Total Liquid Assets (from Section VII.)	+
c. TOTAL AVAILABLE FUNDS (a. plus b.)	=

If (c) is zero (0) or less, applicant is INDIGENT. If (c) is greater than (d), party is NOT INDIGENT.

ASSESSMENT AMOUNT

\$

IX. AFFIDAVIT AND NOTIFICATION

I, _____ (print name) do hereby certify (or declare) under penalty of perjury under the Laws of the State of Washington that the foregoing is true and correct. By my signature below, I authorize the Superintendent of Public Instruction to verify all information provided here. I further swear to immediately report any change in financial status to the Superintendent of Public Instruction.

_____/_____
SIGNATURE DATE PLACE

RETURN TO: Legal Services
Office of Superintendent of Public Instruction
Old Capitol Building, FG-11
Olympia, WA 98504-3211

OSPI USE ONLY	
<input type="checkbox"/> Indigent	Signature _____
<input type="checkbox"/> Not Indigent	
Date _____	Title _____

Chapter 392-105 WAC
SUPERINTENDENT OF PUBLIC INSTRUCTION—
ACCESS TO PUBLIC RECORDS

WAC

392-105-001	Purpose.
392-105-003	Description of organization.
392-105-005	Operations and procedures.
392-105-007	Definitions.
392-105-010	Access to public records.
392-105-015	Public records officer.
392-105-020	Office hours.
392-105-025	Requests for public records.
392-105-030	Copying.
392-105-035	Determination regarding exempt records.
392-105-040	Review of denials of public records requests.
392-105-045	Records index—Inspection.
392-105-050	Protection of public records.
392-105-055	List of employees and elected officers.
392-105-060	Records index.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

392-105-013	Request to inspect and copy. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-013, filed 4/15/80.] Repealed by 92-10-016 (Order 92-04), filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 through [42.17].320.
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WAC 392-105-001 Purpose. Rules and regulations hereinafter set forth are established pursuant to RCW 42.17.250 through 42.17.320 for the purposes of protecting public records and making them readily accessible to the public.

[Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-001, filed 4/15/80.]

WAC 392-105-003 Description of organization. (1) The superintendent of public instruction is a constitutional officer of the state charged with supervision over all matters pertaining to public schools. The superintendent of public instruction is also the statutory chief executive officer of the state board of education. Administrative offices of the superintendent of public instruction and the state board of education are located in Olympia, Washington.

(2) Organization of the superintendent of public instruction's office is divided into four operating divisions, the office of the deputy superintendent of public instruction, and the office of the secretary (executive director) to the state board of education.

(a) The office of the secretary (executive director) to the state board of education keeps the records for all board proceedings. The secretary to the state board of education is appointed by the state board of education.

(b) The office of the deputy superintendent of public instruction directs and coordinates the activities of the four operating divisions of the agency, the offices of professional education and certification, and several agency-wide support services sections. The deputy superintendent of public instruction is appointed by and reports directly to the superintendent of public instruction.

(c) The division of financial services is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers state apportionment and school building assistance to the school districts, main-

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tains agency accounts, jointly with the state auditor develops accounting manuals for school districts and educational service districts, budget forms for school districts and educational services districts (ESDs) and administers the school systems statewide financial reporting and accounting systems, provides technical assistance to school districts for accounting and budgetary systems, and administers the school lunch, pupil transportation, and federal accounts programs.

(d) The instructional programs and services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division provides a wide range of technical assistance services to school districts in the development of basic education programs, learning resources and multicultural/equity. In addition, the division has responsibility for supervising and managing supplementary federal education programs, including Chapter 1—Migrant and Chapter 2 and for administering the state's traffic safety program.

(e) The special services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division assists school districts in the development of gifted programs and health services programs and pupil personnel services, supervises the federal and state special education programs in the schools and state institutions, maintains liaison with private schools regarding all agency programs, manages the institutional education programs, and remediation programs, including the programs, including the Chapter I—Regular programs.

(f) The vocational-technical and adult education services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers the approval process for vocational-technical programs and procedures for distribution of federal and state funds. It also provides technical services for adult basic, industrial arts, career education, educational clinics, and community schools programs.

[Statutory Authority: RCW 42.17.250, 42.17.260 and 42.17.320. 85-19-007 (Order 85-9), § 392-105-003, filed 9/6/85. Statutory Authority: RCW 42.17.250 and 42.17.320. 82-19-047 (Order 82-12), § 392-105-003, filed 9/14/82. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-003, filed 4/15/80.]

WAC 392-105-005 Operations and procedures. The superintendent of public instruction is directly responsible for decisions and policies of the office but has delegated to the deputy superintendent the responsibility of developing and maintaining approved intra-agency operating policies and procedures. Each supervisory position in the agency is provided a policies and procedures manual which is frequently updated. The manual specifies job responsibilities for division and section level managers and describes procedures to be followed in operations that cut across organizational lines.

[Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-005, filed 4/15/80.]

WAC 392-105-007 Definitions. (1) Public records. As used in this chapter, "public record" includes any writing

containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics: Provided, however, That the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(2) Writing. As used in this chapter, "writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sound or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-007, filed 4/28/92, effective 5/29/92.]

WAC 392-105-010 Access to public records. (1) All public records as defined by RCW 42.17.020 (26) and (28) prepared, owned, used, or retained by the superintendent of public instruction shall be available for public inspection and copying during normal office hours in the office where they are located, except for the following:

(a) Personal information in files maintained by the superintendent of public instruction to the extent that disclosure would violate any individual's right to privacy.

(b) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the agency in connection with any agency action.

(c) Records which are relevant to a controversy to which the agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(d) Any other information which is exempt from public inspection under RCW 42.17.310 where disclosure would violate personal privacy or vital government interests.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interests, can be deleted from the specific records sought. No exception shall be construed to permit the nondisclosure of statistical information when such information is not descriptive of any readily identifiable person or persons.

[Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-010, filed 4/15/80; Order 7-75, § 392-105-010, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-015 Public records officer. The agency's public records shall be in the charge of the public records officer designated by the superintendent of public instruction. The person so designated shall be located in the Old Capitol Building, Olympia, Washington 98504-7200. The public records officer shall be responsible for the following:

Implementation of the agency's rules and regulations regarding release of public records, coordinating the agency employees in this regard, and generally ensuring compliance by agency employees with the public records disclosure requirements in chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-015, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-015, filed 4/15/80; Order 7-75, § 392-105-015, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-020 Office hours. Public records shall be available for inspection and copying during the customary office hours of the agency. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-020, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-020, filed 4/15/80; Order 7-75, § 392-105-020, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-025 Requests for public records. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing. The written request shall be presented to the public records officer or designee at the information services office of the superintendent of public instruction during customary office hours or may also be mailed. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-025, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-025, filed 4/15/80; Order 7-75, § 392-105-025, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-030 Copying. No fee shall be charged for the inspection of public records. The superintendent of public instruction may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse SPI for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for

such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.

[Statutory Authority: RCW 42.17.250 - [42.17].320. 93-07-039 (Order 93-05), § 392-105-030, filed 3/11/93, effective 4/11/93; 92-10-016 (Order 92-04), § 392-105-030, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 90-22-044 (Order 39), § 392-105-030, filed 11/2/90, effective 12/3/90; 80-05-034 (Order 80-5), § 392-105-030, filed 4/15/80; Order 7-75, § 392-105-030, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-035 Determination regarding exempt records. (1) The superintendent of public instruction reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 392-105-025 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, counsel for administrative law services, or an assistant attorney general assigned to the agency.

(2) Pursuant to RCW 42.17.260, the superintendent of public instruction reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. Within five business days of receiving a public record request, the superintendent of public instruction shall respond by either:

(a) Providing the record;

(b) Acknowledging that the superintendent of public instruction has received the request and providing a reasonable estimate of the time the agency will require to respond to the request; or

(c) Denying the public record request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the superintendent of public instruction may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the superintendent of public instruction need not respond to it.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

[Statutory Authority: RCW 42.17.250 - [42.17].320. 93-07-039 (Order 93-05), § 392-105-035, filed 3/11/93, effective 4/11/93; 92-10-016 (Order 92-04), § 392-105-035, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-035, filed 4/15/80.]

WAC 392-105-040 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt

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review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the SPI or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the superintendent of public instruction or his or her designee, shall complete such review.

(4) During the course of the review the superintendent of public instruction or his or her designee shall consider the obligations of the agency fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the agency to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 42.17.250 - [42.17].320. 93-07-039 (Order 93-05), § 392-105-040, filed 3/11/93, effective 4/11/93; 92-10-016 (Order 92-04), § 392-105-040, filed 4/28/92, effective 5/29/92.]

WAC 392-105-045 Records index—Inspection. The superintendent of public instruction does maintain current indexes of public records as required by RCW 42.17.260(2) and 34.05.220. The indexes identify agency personnel authorized to release/copy public records as indexed and is available for inspection/copying in the offices of the superintendent of public instruction in Olympia, Washington. The indexes shall be kept current and maintained by the superintendent's designee(s), the information services office, or in the case of records of appeal and rules information, legal services, and shall be updated no less frequently than annually. All indexes maintained shall be categorized by program or section, title, and/or description, or a combination of these, as appropriate.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-045, filed 4/28/92, effective 5/29/92.]

WAC 392-105-050 Protection of public records. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 392-105-030.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-050, filed 4/28/92, effective 5/29/92.]

WAC 392-105-055 List of employees and elected officers. Pursuant to RCW 42.17.260(5), the superintendent of public instruction or employees of the superintendent of public instruction will not give, sell or provide access to lists of names of agency employees, school district employees, or elected officers for commercial purposes except as otherwise now or hereafter provided by law.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-055, filed 4/28/92, effective 5/29/92.]

WAC 392-105-060 Records index. (1) The agency has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the agency after June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudicated cases;

(b) Those statements of policy and interpretative policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructional staff that affect a member of the public;

(d) Planning policies and goals, and interim and planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the agency shall be available to all persons under the same rules and all the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 42.17.250 - [42.17].320. 93-07-039 (Order 93-05), § 392-105-060, filed 3/11/93, effective 4/11/93; 92-10-016 (Order 92-04), § 392-105-060, filed 4/28/92, effective 5/29/92.]

Chapter 392-107 WAC

EDUCATIONAL SERVICE DISTRICTS

(Formerly chapter 180-22 WAC)

WAC

EDUCATIONAL SERVICE DISTRICTS—ELECTION OF BOARD MEMBERS

392-107-201	Election of educational service district board members.
392-107-205	Elector provisions.
392-107-210	Publicity and call of election.
392-107-215	Candidate qualifications—Forms—Filing—Withdrawal of candidacy.
392-107-220	Balloting.
392-107-225	Counting—Ineligible votes—Recount—Certification of election—Special election.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-107-100	Purpose and authority. [Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-100, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-100, filed 8/28/02, effective 9/28/02. Statutory Authority: 1990 c 33. 90-17-009, § 180-22-100, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.21.020. 84-21-001 (Order 9-84), § 180-22-100, filed 10/4/84.] Decodified by 06-19-033, filed 9/13/06, effective 9/13/06. Recodified as WAC 180-22-100.
392-107-140	Territorial organization of educational service districts. [Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-140, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-140, filed 8/28/02, effective 9/28/02.

Statutory Authority: RCW 28A.21.020. 84-21-001 (Order 9-84), § 180-22-140, filed 10/4/84.] Decodified by 06-19-033, filed 9/13/06, effective 9/13/06. Recodified as WAC 180-22-140.

392-107-150

Educational service districts—Criteria for organization. [Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-150, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-150, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.310.020. 98-05-003, § 180-22-150, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.21.020. 84-21-001 (Order 9-84), § 180-22-150, filed 10/4/84; Order 4-77, § 180-22-150, filed 6/2/77; Order 3-69, § 180-22-150, filed 6/27/69; Emergency Order 1-69, filed 5/1/69.] Decodified by 06-19-033, filed 9/13/06, effective 9/13/06. Recodified as WAC 180-22-150.

EDUCATIONAL SERVICE DISTRICTS—ELECTION OF BOARD MEMBERS

WAC 392-107-201 Election of educational service district board members. (1) The procedures governing the election of members to the boards of directors of educational service districts are set forth under RCW 18A.310.080 through 28A.310.110 and WAC 180-22-205 through 180-22-225.

(2) Elections for members of boards of educational service districts shall be conducted biennially in odd-numbered years.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-201, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-201, filed 8/28/02, effective 9/28/02.]

WAC 392-107-205 Elector provisions. (1) It shall be the responsibility of the educational service districts to assure that the secretary to the state board of education is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the secretary to the state board of education for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

(a) The name, legal residence, mailing address and board-member district number of persons serving on the educational service district board of directors; and

(b) The position numbers for which appointments have been made to fill unexpired terms.

(2) On August 21st of the year of election or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date, the secretary to the state board of education shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date.

(3) The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26th or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The secretary to the state board of education as soon thereafter as is practical shall certify the list of electors.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-205, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-205, filed 8/28/02, effective 9/28/02.]

WAC 392-107-210 Publicity and call of election. (1) The secretary to the state board of education shall biennially provide reasonable public information concerning the elec-

tion of educational service district board members through press and publication releases beginning in May of the year the elections are to be called.

(2) Call of election. See RCW 28A.310.080.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-107-210, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080, 02-18-052, § 180-22-210, filed 8/28/02, effective 9/28/02.]

WAC 392-107-215 Candidate qualifications—Forms—Filing—Withdrawal of candidacy. (1) Eligibility. A person is eligible to be a candidate for membership on an educational service district board if he or she is a registered voter and a resident of the board-member district for which the candidate files. Restriction on other service pursuant to RCW 28A.310.070.

(2) Declaration and affidavit of candidacy. A person who desires to file for candidacy shall complete and file with the state board of education a declaration and affidavit of candidacy form as a condition to having his or her name placed on the official ballot. The form is available through the state board of education office in Olympia or through the local educational service district office.

(3) Optional biographical form. A person who desires to file for candidacy has the option of completing and filing with the state board of education, for inclusion with balloting information, a biographical form not to exceed two pages. The form is available through the state board of education office in Olympia or through the local educational service district office.

(4) Filing period. The filing period is set forth under RCW 28A.310.080. The filing period for candidates for any position on an educational service district board is from September 1st through September 16th. Any declaration and affidavit of candidacy that is postmarked on or before midnight September 16th and received by mail prior to the printing of ballots shall be accepted. Any declaration and affidavit of candidacy that is received by United States mail on or before 5:00 p.m. September 21st and is not postmarked or legibly postmarked shall be accepted.

(5) Any candidate may withdraw his or her declaration and affidavit of candidacy by delivering a written, signed and notarized statement of withdrawal to the secretary to the state board of education on or before 5:00 p.m. September 21st. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-107-215, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080, 02-18-052, § 180-22-215, filed 8/28/02, effective 9/28/02.]

WAC 392-107-220 Balloting. (1) Ballots shall be prepared by the secretary to the state board of education. The ballot for each position subject to election shall contain the name of each candidate eligible for the particular position. There shall be a separate listing of the candidates for each board-member district open in the particular educational service district. A board-member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in RCW 28A.310.080 and WAC 180-22-215.

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(2)(a) The secretary to the state board of education shall develop voting instructions which shall accompany the ballots. Biographical forms submitted under WAC 180-22-215(3) shall also accompany the ballots.

(b) On or before October 1st, ballots shall be mailed to voters with two envelopes to be used for voting.

(i) The outer, larger envelope (i.e., official ballot envelope) shall be labeled "official ballot"; be preaddressed with the "secretary to the state board of education" as addressee; and have provision for the identification of the voter, mailing address, his or her school district, and his or her educational service district.

(ii) The inner, smaller envelope shall be unlabeled and unmarked.

(3) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each board-member district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(4) Return of ballots. Each member of a public school district board of directors shall complete voting by placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same; placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same; if not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district and educational service district; and placing the official ballot envelope in the United States mail to the secretary to the state board of education.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-107-220, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080, 02-18-052, § 180-22-220, filed 8/28/02, effective 9/28/02.]

WAC 392-107-225 Counting—Ineligible votes—Recount—Certification of election—Special election.

(1)(a) As official ballot envelopes are received by the secretary to the state board of education, a preliminary determination shall be made as to the eligibility of the voter and a record shall be made on the list of eligible voters that the voter has voted.

(b) Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2)(a) The election board shall convene for the purpose of counting votes on October 25th or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding **or following** such date at a date, time and place designated by the secretary to the state board of education.

(b) Official ballot envelopes that are accepted by the election board shall be opened and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(c) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

(3) Ineligible votes. The following ballots and votes shall be declared void and shall not be accepted:

(a) Votes for write-in candidates.

(b) Votes cast on other than an official ballot.

(c) Ballots which contain a vote for more than one candidate in a board-member district.

(d) Ballots contained in other than the official ballot envelope.

(e) Ballots contained in the official ballot envelope upon which the voter's name is not designated.

(f) Ballots received after 5:00 p.m. October 16th. However, any ballot that is postmarked on or before midnight October 16th and received prior to the initial counting of votes by the election board shall be accepted. Any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21st that is not postmarked or legibly postmarked shall be accepted.

(g) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

(4)(a) Recounts. Automatic. A recount of votes cast shall be automatic if the electoral vote difference between any two candidates for the same position is one vote or less than one percent of electoral votes on a single ballot cast for the position, whichever is greater.

(b) Recounts. Upon request. A recount of votes cast shall be afforded any candidate as a matter of right. The request shall be made in writing and received by the secretary to the state board of education within seven calendar days after the date upon which the votes were counted by the election board.

(5) Certification of election. Within ten calendar days after the date upon which the votes were counted, and no sooner than eight calendar days after the votes are counted by the election board, the secretary to the state board of education shall officially certify to the county auditor of the headquarters county of the educational service district the name or names of candidates elected to membership on the educational service district board of directors.

(6) Special election. See RCW 28A.310.100.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-107-225, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080, 02-18-052, § 180-22-225, filed 8/28/02, effective 9/28/02.]

Chapter 392-109 WAC

STATE BOARD OF EDUCATION—ELECTION OF MEMBERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-109-005	Purpose. [Order 7-75, § 392-109-005, filed 12/22/75. Formerly WAC 392-99-010.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-006	Eligibility—Declaration of candidacy. [Statutory Authority: RCW 28A.04.020, 78-08-033 (Order 2-78), § 392-109-006, filed 7/18/78.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-010	Biographical data—Limitation. [Statutory Authority: RCW 28A.04.020, 78-08-033 (Order 2-78), § 392-109-010, filed 7/18/78; Order 7-75, § 392-109-010, filed 12/22/75. Formerly WAC 392-99-020.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-015	Composition of election board. [Order 7-75, § 392-109-015, filed 12/22/75. Formerly WAC 392-99-030.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-020	Postage. [Order 7-75, § 392-109-020, filed 12/22/75. Formerly WAC 392-99-040.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-025	Publicity. [Order 7-75, § 392-109-025, filed 12/22/75. Formerly WAC 392-99-050.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-026	Voting. [Statutory Authority: RCW 28A.04.020, 78-08-033 (Order 2-78), § 392-109-026, filed 7/18/78, 7/21/78.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-030	Recount of votes cast—Automatic—By request—Certification. [Order 7-75, § 392-109-030, filed 12/22/75. Formerly WAC 392-99-060.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-035	Rotation of names on ballot. [Order 7-75, § 392-109-035, filed 12/22/75. Formerly WAC 392-99-070.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-055	Publicity. [Statutory Authority: RCW 28A.04.020, 81-17-005 (Order 81-10), § 392-109-055, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-055, filed 6/17/80.] Repealed by 05-22-007, filed 10/20/05, effective 11/20/05. Statutory Authority: Chapter 28A.305 RCW and ESSB 5732.
392-109-058	Tentative certification of electors. [Statutory Authority: RCW 28A.305.020, 96-08-001 (Order 96-05), § 392-109-058, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020, 84-11-038 (Order 84-8), § 392-109-058, filed 5/15/84.] Repealed by 05-22-007, filed 10/20/05, effective 11/20/05. Statutory Authority: Chapter 28A.305 RCW and ESSB 5732.
392-109-072	Candidates for new congressional district positions—First elections—Term of office. [Statutory Authority: RCW 28A.305.020, 96-08-001 (Order 96-05), § 392-109-072, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-109-072, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020, 82-16-037 (Order 82-7), § 392-109-072, filed 7/28/82.] Repealed by 05-22-007, filed 10/20/05, effective 11/20/05. Statutory Authority: Chapter 28A.305 RCW and ESSB 5732.
392-109-110	Recount of votes cast—Automatic—By request. [Statutory Authority: RCW 28A.04.020, 84-11-038 (Order 84-8), § 392-109-110, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-110, filed 6/17/80.] Repealed by 05-22-007, filed 10/20/05, effective 11/20/05. Statutory Authority: Chapter 28A.305 RCW and ESSB 5732.

WAC 392-109-037 Purpose and authority. (1) The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing policies and procedures which implement the statutory election process for such positions.

(2) Authority for this chapter is RCW 28A.305.102 which authorizes the superintendent of public instruction to adopt rules and procedures for the conduct of election of members to the state board of education.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-037, filed 10/20/05, effective 11/20/05. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-037, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-037, filed 5/15/84.]

WAC 392-109-040 Composition. The state board of education consists of sixteen members: Seven members appointed by the governor; five members, including two from eastern Washington and three from western Washington, elected by the members of public school boards of directors; one member elected by approved private school boards of directors; the superintendent of public instruction; and two student representatives selected by the state board of education.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-040, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-040, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-040, filed 5/15/84; 82-16-037 (Order 82-7), § 392-109-040, filed 7/28/82; 80-07-038 (Order 80-20), § 392-109-040, filed 6/17/80.]

WAC 392-109-043 Election officer. In accordance with RCW 28A.305.102 the superintendent of public instruction or his or her designee shall serve as the election officer for the coordination and conduct of the election of members to the state board of education.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-043, filed 10/20/05, effective 11/20/05. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-043, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-043, filed 5/15/84.]

WAC 392-109-045 Definitions. As used in this chapter the term:

(1) "Board of directors" shall mean:

(a) The statutory, multimember board of directors of a public school district; or

(b) The person or multimember body recognized by an approved private school as having the final authority for policy decisions which govern the operation of the private school.

(2) "Elector" shall mean:

(a) Each individual member of a public school board of directors; or

(b) An approved private school board of directors as a whole.

(3) "Approved private school" shall mean a school which is approved by the state board of education pursuant to chapter 180-90 WAC, as now or hereafter amended, as being in compliance with statutory standards.

(4) "Eastern Washington region" shall mean the region comprised of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties.

(5) "Western Washington region" shall mean the region comprised of Clallam, Clark, Cowlitz, Grays Harbor, Island,

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Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom counties.

(6) "Weighted vote" shall mean the total number of electoral votes assigned to an elector for:

(a) Public schools: Each elector shall be entitled to a number of electoral votes equal to:

School District Student Enrollment		Each Elector Receives
1	- 1,000	1 vote
1,001	- 2,000	2 votes
2,001	- 3,000	3 votes
3,001	- 4,000	4 votes
4,001	- 5,000	5 votes
5,001	- 6,000	6 votes
6,001	- 7,000	7 votes
7,001	- 8,000	8 votes
8,001	- 9,000	9 votes
9,001	- 10,000	10 votes
10,001	- 15,000	11 votes
15,001	- 20,000	12 votes
20,001	- 25,000	13 votes
25,001	- 30,000	14 votes
30,001	- 35,000	15 votes
35,001	- 40,000	16 votes
40,001	- or greater	17 votes

(b) Approved private schools: Each approved private school shall be entitled to a number of electoral votes equal to the actual number of students enrolled.

(7) "Student enrollment" shall mean the number of students enrolled during October of the preceding school year as reported to the superintendent of public instruction.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-045, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-045, filed 6/17/80.]

WAC 392-109-047 Annual elections. Election of members to the state board of education shall be conducted each year preceding a year in which the term of one or more members expires, and as required by RCW 28A.305.102 following a vacancy on the board.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-047, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-047, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-047, filed 5/15/84.]

WAC 392-109-048 Election timeline. An official election timeline shall be published by the superintendent of public instruction at the call of each yearly election that shall include all necessary dates for the conduct of election.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-048, filed 10/20/05, effective 11/20/05.]

WAC 392-109-050 Information necessary for the conduct of elections—Responsibility of school officials. It shall be the responsibility of each member of a board of directors to assure that the superintendent of public instruction is provided current and correct information necessary for the conduct of the elections provided for in this chapter.

Forms published by the superintendent of public instruction for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

(1) Approved private schools: The mailing address and previous October student enrollment; and

(2) Public school districts: The name, legal residence, mailing address and region, as defined in WAC 392-109-034, of residence for each member of a board of directors.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-050, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-050, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-050, filed 6/17/80.]

WAC 392-109-060 Publicity and call of election. On or before August twenty-fifth of each year the superintendent of public instruction shall publicize notice of an election to be held for each position on the state board of education subject to election by public and approved private school boards of directors. Notice shall be made by, but not limited to:

(1) An official press release containing the call of election materials citing the election rules, declaration and affidavit of candidacy, biographical data form, and election timeline.

(2) Making the call of election materials in subsection (1) of this section available by contacting: Administrative Resource Services, Office of the Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200.

(3) Making the call of election materials in subsection (1) of this section available on the superintendent of public instruction's official web site at www.k12.wa.us.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-060, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-060, filed 5/15/84; 81-17-005 (Order 81-10), § 392-109-060, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-060, filed 6/17/80.]

WAC 392-109-065 Candidates—Eligibility—Filing.

(1) Eligibility: A person is eligible to be a candidate for only one position on the state board of education at a time.

(a) A candidate for a vacancy among the five positions on the state board elected by members of public school boards of directors must be a resident of the region represented by the position and meet the other qualifications established by RCW 28A.305.102; and

(b) A candidate for a vacancy in the position on the state board elected by private schools must be a resident of the state of Washington and meet the other qualifications established by RCW 28A.305.102.

(2) Forms for filing: A person who desires to be a candidate shall complete:

(a) The declaration and affidavit of candidacy form provided for in WAC 392-109-070; and

(b) The biographical data form provided for in WAC 392-109-075: Provided, That a declarant may elect not to submit biographical data.

(3) Filing period: The filing period for candidates for any position on the state board of education elected by either public or approved private school boards of directors shall be no less than seven days in duration and occur a minimum of sixty days prior to election and shall be included on the election timeline. Declarations not received by 5:00 p.m. on the

indicated date will not be included on the certified list of candidates.

(4) Filing deadline: The filing deadline for candidacy shall be 5:00 p.m. on the date included on the election timeline.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-065, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-065, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-065, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 82-16-037 (Order 82-7), § 392-109-065, filed 7/28/82; 80-07-038 (Order 80-20), § 392-109-065, filed 6/17/80.]

WAC 392-109-070 Declaration and affidavit of candidacy form. The declaration and affidavit of candidacy form which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot is available from the superintendent of public instruction and shall be as follows:

I,, solemnly swear (or affirm): That (if filing for a position elected by members of public school boards of directors) I reside in the Region of the state of Washington (OR if filing for the position elected by private schools) I reside within the state of Washington; That I am aware that if elected, I cannot concurrently serve as a member of the state board of education and as an employee of any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction, or as a member of the board of directors of either a common school district or a private school; and, That I hereby declare myself a candidate for membership on the state board of education for Region, Position No. . . . , a term beginning on the second Monday in January, 20. . . , subject to the election to be held during the month of November, 20. . . , and I request that my name be listed on the ballot thereof.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Print Name)

(Signature)

Address:

.

Telephone number

State of Washington

County of

Signed and sworn to (or affirmed) before me on (date) by (name of person making statement).

(Signature)

(Seal or stamp)

Notary Public

My appointment

expires

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-070, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-070, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. 84-15-026 (Order 84-27), § 392-109-070, filed 7/11/84; 80-07-038 (Order 80-20), § 392-109-070, filed 6/17/80.]

WAC 392-109-075 Biographical data form. (1) The superintendent of public instruction shall provide a biographical data form not exceeding one letter size double spaced minimum twelve point font typewritten page in length which each candidate may complete.

(2) Biographical data forms shall be reproduced as submitted and distributed by the superintendent of public instruction with the official ballots to each elector.

(3) Candidates may submit a two-inch by two-inch headshot photograph with this form.

(4) Filing of this form is not required.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-075, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-075, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-075, filed 6/17/80.]

WAC 392-109-077 Withdrawal of candidacy. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the superintendent of public instruction on or before 5:00 p.m. on the date included on the election timeline. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-077, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 81-17-005 (Order 81-10), § 392-109-077, filed 8/7/81.]

WAC 392-109-078 Certificate of electors. (1) The list of eligible electors shall remain open for changes and deletions until 5:00 p.m. on the date included on the election timeline.

(2) The superintendent of public instruction as soon thereafter as is practical shall certify the list of electors and the weighted vote for each elector to be used for election purposes.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-078, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-078, filed 5/15/84.]

WAC 392-109-080 Ballots—Contents. The ballot for each position subject to election pursuant to this chapter shall:

(1) Contain the names of each candidate eligible for the particular position.

(2) Be prepared for each region.

(3) Set forth the number of electoral votes to which each elector is entitled.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-080, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-080, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-080, filed 6/17/80.]

WAC 392-109-085 Ballots and envelopes—Mailing to electors. (1) Ballots shall be mailed to electors on the date included on the election timeline, together with two envelopes to be used for voting.

(a) The outer and larger envelope (i.e., official ballot return envelope) shall:

(i) Be labeled "official ballot return envelope";

(ii) Be preaddressed with the "superintendent of public instruction" as addressee; and

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(iii) Have provision for the identification of the elector, his or her school district or school and his or her home address.

(b) The inner and smaller envelope shall be unlabeled and unmarked.

(2) One official ballot and the two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each member of a public school district board of directors.

(3) One official ballot, two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each approved private school addressed to the chief administrator of each approved private school.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-085, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-085, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-085, filed 5/15/84; 81-17-005 (Order 81-10), § 392-109-085, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-085, filed 6/17/80.]

WAC 392-109-090 Voting—Marking and return of ballots. (1) Each member of a public school district board of directors may vote for one of the candidates for each position named on his or her official ballot by placing an "x" or other mark in the space provided next to the name of a candidate.

(2) Each approved private school may vote for one candidate on the official ballot by placing an "x" or other mark in the space provided next to the name of a candidate.

(3) Each member of a public school district board of directors and each approved private school shall complete voting by:

(a) Placing the marked official ballot in the smaller, unmarked envelope and sealing the same;

(b) Placing the smaller unmarked envelope containing the official ballot in the larger preaddressed envelope marked "official ballot return envelope" and sealing the same; and

(c) Affixing proper postage and placing the official ballot return envelope in the United States mail or otherwise delivering the envelope to the superintendent of public instruction.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-090, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-090, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-090, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-090, filed 6/17/80.]

WAC 392-109-095 Election committee—Appointment and composition. The superintendent of public instruction shall annually appoint a three member election committee and at least one alternate who shall serve thereon in the absence of a regular member of the election committee. Counting of votes cast at elections conducted pursuant to this chapter shall be supervised by the superintendent of public instruction or his or her designee and the election committee.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-095, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-095, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-095, filed 6/17/80.]

WAC 392-109-100 Receipt of ballots and count of votes. (1) As official ballot return envelopes are received by the superintendent of public instruction, a preliminary determination shall be made as to the eligibility of the elector, and a record shall be made on a list of eligible electors and approved private schools that the elector has voted.

(2) Official ballot return envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election committee.

(3) The election committee shall convene for the purpose of counting votes on the date included on the election timeline.

(a) Official ballot return envelopes accepted by the election committee shall be opened and the inner unmarked envelopes containing the official ballots shall be removed and placed aside still sealed.

(b) The inner unmarked envelopes shall then be opened and the votes counted by the election committee.

(4) No record shall be made or maintained of the candidate for whom any elector cast his or her vote.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-100, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-100, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-100, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-100, filed 6/17/80.]

WAC 392-109-105 Ineligible votes. The following ballots and votes shall be declared void and shall not be accepted:

(1) Votes for write-in candidates;

(2) Votes cast on other than an official ballot provided pursuant to this chapter;

(3) Ballots which contain a vote for two or more of the named candidates;

(4) Ballots contained in other than an official ballot return envelope provided pursuant to this chapter;

(5) Ballots contained in an official ballot return envelope upon which the elector is not designated by name;

(6) Ballots received after 5:00 p.m. on the date included on the election timeline. Provided, that any official ballot return envelope that is postmarked on or before midnight of the above date and received pursuant to the United States mail prior to the initial counting of votes by the election committee shall be accepted; and

(7) Such other ballots or votes as the election committee shall determine to be unidentifiable or unlawful.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-105, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-105, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-105, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-105, filed 6/17/80.]

WAC 392-109-111 Run-off election. If no candidate for any one position receives a minimum of fifty percent plus one of the total votes for such position, the superintendent of public instruction shall call a run-off election between the two candidates receiving the two highest vote totals for such position.

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[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-111, filed 10/20/05, effective 11/20/05.]

WAC 392-109-112 Dispute resolution. (1) Any public school district board member or any approved private school eligible to vote for a candidate for membership on the state board of education or any candidate for the position, within ten days after the superintendent of public instruction's reporting of election, may contest the election of a candidate for any of the following causes:

(a) Because the person whose right is being contested gave a bribe or reward to an elector for the purpose of procuring the candidate's election, or offered to do so; or

(b) On account of illegal votes.

(2) An action contesting an election pursuant to this chapter shall be conducted in compliance with chapter 29A.68 RCW, as now or hereafter amended.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-112, filed 10/20/05, effective 11/20/05.]

WAC 392-109-115 Report and certification of election. (1) On the date included on the election timeline, but no later than December 15, if a candidate receives a minimum of fifty percent plus one of the total votes for a position, the superintendent shall publicly announce and certify the election results; or

(2) If a candidate does not receive a minimum of fifty percent plus one of the total votes for a position, the superintendent shall publicly announce the need for a run-off election; the results of which shall be announced and certified no more than ten days after election.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-115, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-115, filed 5/15/84; 81-17-005 (Order 81-10), § 392-109-115, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-115, filed 6/17/80.]

WAC 392-109-117 Publishing of names. As soon as reasonably possible after each annual election the superintendent of public instruction shall publish the names of the electors and approved private schools who voted in the election.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-117, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. 90-04-043 (Order 90-01), § 392-109-117, filed 1/31/90, effective 3/3/90; 81-17-005 (Order 81-10), § 392-109-117, filed 8/7/81.]

WAC 392-109-120 Vacancies and special elections.

(1) Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, it shall be the duty of the remaining members representing public school boards of directors to fill such vacancy by appointment consistent with the appropriate regional position being vacated, and the person so appointed shall continue in office until his or her successor has been specially elected.

(2) Whenever a vacancy of the approved private school elected member occurs on the state board of education, from any cause whatsoever, it shall be the duty of the private school advisory committee to fill such vacancy consistent with qualifications in RCW 28A.305.102 and the person so appointed shall continue in office until his or her successor has been specially elected.

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(3) When a vacancy occurs, the superintendent of public instruction shall include such a position in the call of election the following year; a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose position was vacated.

(4) Special elections provided for in RCW 28A.305.102 shall be conducted in accordance with this chapter.

[Statutory Authority: Chapter 28A.305 RCW and ESSB 5732. 05-22-007, § 392-109-120, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-120, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-120, filed 6/17/80.]

Chapter 392-115 WAC

FINANCE—AUDIT RESOLUTION PROCESS

WAC

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WAC 392-115-005 Authority. The authority for this chapter is Substitute Senate Bill No. 5394 which authorizes the superintendent to set policy and procedure for resolution of monetary and nonmonetary audit findings involving state money and RCW 28A.300.070 which authorizes the superintendent of public instruction to receive and administer federal moneys in accordance with federal acts—to wit;

(1) U.S. Public Law 98-502 (Single Audit Act of 1984) and U.S. Public Law 104-156 (Single Audit Act Amendments) and its implementing federal rules and regulations that require the superintendent of public instruction to resolve audit findings against governmental organizations receiving federal moneys that the superintendent of public instruction receives and administers;

(2) U.S. Public Law 89-64 and amendments thereto (Child Nutrition Act of 1966) and its implementing rules and

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regulations that require the superintendent of public instruction to resolve audit findings against those organizations operating child care programs and receiving federal moneys received and administered by the superintendent of public instruction; or

(3) U.S. Office of Management and Budget Circular A-133 and successors that require the superintendent of public instruction to resolve audit findings against those organizations receiving federal moneys administered and received by the superintendent of public instruction.

(4) U.S. Public Law 100-297 (Elementary and Secondary School Improvement Act of 1988) and U.S. Public Law 103-382 (Improving America Schools Act) implementing rules and regulations that require the superintendent of public instruction to consider audit findings to be prima facie evidence, and the burden of proof to set aside an audit finding rests with the subrecipient.

(5) U.S. Public Law 94-142 (Individuals with Disabilities Education Act) and amendments thereto that require the superintendent of public instruction to provide a free and appropriate education to students with disabilities.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-005, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-005, filed 3/8/91, effective 4/8/91.]

WAC 392-115-010 Purpose. The purpose of this chapter is to set forth the policies and procedures in accordance with state and federal requirements for the resolution of monetary and nonmonetary audit findings against a subrecipient receiving state or federal moneys administered by the superintendent of public instruction.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-010, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-010, filed 3/8/91, effective 4/8/91.]

WAC 392-115-015 Definition—Subrecipient. As used in this chapter, "subrecipient" means a public or nonpublic entity receiving state or federal moneys administered and disbursed by the superintendent of public instruction.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-015, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-015, filed 3/8/91, effective 4/8/91.]

WAC 392-115-020 Definition—Program audit. As used in this chapter, "program audit" means an examination of a subrecipient to determine compliance with the state or federal laws and regulations governing the operation of a specific program.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-020, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-020, filed 3/8/91, effective 4/8/91.]

WAC 392-115-025 Definition—Single audit. As used in this section, "single audit" means an organization-wide examination conducted under the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996 encompassing the entire financial operation of a subrecipient reporting whether:

(1) All financial statements present fairly the financial position and results of financial operations in accordance with generally accepted accounting principles;

(2) All laws and regulations having a material effect upon the financial statements or major state or federal assistance programs have been complied with; and

(3) All internal control systems provide reasonable assurance that federal financial assistance programs are managed in compliance with applicable laws and regulations.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-025, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-025, filed 3/8/91, effective 4/8/91.]

WAC 392-115-030 Definition—Audit report. As used in this chapter, "audit report" means the report issued by either the office of the state auditor or a certified public accountant disclosing the results of either a single audit or program audit.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-030, filed 3/8/91, effective 4/8/91.]

WAC 392-115-035 Definition—Questioned costs. As used in this chapter, "questioned costs" means the estimated cost presented in a schedule of questioned cost, associated with one or more of the following:

(1) An alleged violation of a law, regulation, contract, grant, cooperative agreement, or other agreement governing the expenditure of moneys.

(2) Lack of adequate documentation of the expenditure of moneys.

(3) The unnecessary or unreasonable expenditure of the moneys.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-035, filed 3/8/91, effective 4/8/91.]

WAC 392-115-040 Definition—Monetary audit finding. As used in this chapter, "monetary audit finding" means a questioned cost associated with a weakness, irregularity, or error.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-040, filed 3/8/91, effective 4/8/91.]

WAC 392-115-045 Definition—Nonmonetary audit finding. As used in this chapter, "nonmonetary audit finding" means a weakness, error, or irregularity not associated with a questioned cost but associated with:

(1) Inadequacy of internal controls;

(2) Lack of compliance with state or federal laws or rules and regulations; or

(3) Improper financial statements of the subrecipient.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-045, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-045, filed 3/8/91, effective 4/8/91.]

WAC 392-115-050 Definition—Audit finding. As used in this chapter, "audit finding" means either a monetary or nonmonetary audit finding designated as questioned federal or state data in an audit report, management letter or audit memorandum, including but not limited to staffing,

enrollment or other reported data of a subrecipient pertaining to state or federal moneys administered or disbursed by the superintendent of public instruction.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-050, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-050, filed 3/8/91, effective 4/8/91.]

WAC 392-115-055 Definition—Disallowed costs. As used in this chapter, "disallowed costs" means those questioned costs associated with an audit finding that the superintendent of public instruction has determined should not be charged to the state or federal government program.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-055, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-055, filed 3/8/91, effective 4/8/91.]

WAC 392-115-060 Definition—Allowed costs. As used in this chapter, "allowed costs" means a questioned cost that the superintendent of public instruction has determined is properly charged to the state or federal government program. Such determination includes but is not limited to the following reasons: Clerical error; inappropriate methodology; non-compliance with generally accepted auditing standards and incorrect interpretation or application of law, rules, or regulations.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-060, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-060, filed 3/8/91, effective 4/8/91.]

WAC 392-115-065 Definition—Resolved audit finding. As used in this chapter, "resolved audit finding" means an audit finding that is addressed in or subject to provisions of a management decision letter.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-065, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-065, filed 3/8/91, effective 4/8/91.]

WAC 392-115-070 Definition—Management decision letter. As used in this chapter, "management decision letter" means a letter that represents resolution of the audit finding for the purposes of this chapter.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-070, filed 3/8/91, effective 4/8/91.]

WAC 392-115-075 Definition—Desk review. As used in this chapter, "desk review" means a review of an audit report to assure that it meets applicable reporting standards and single audit reporting requirements.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-075, filed 3/8/91, effective 4/8/91.]

WAC 392-115-080 Reopening of resolved audit findings. The superintendent of public instruction shall recover from the subrecipient moneys resulting from an audit resolution pursuant to this chapter, and any subsequent events that result in a liability of the subrecipient, including the reopening of resolved audit findings. Basic education allocation

may be withheld to facilitate recovery as provided by section 1, chapter 103, Laws of 1990.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-080, filed 3/8/91, effective 4/8/91.]

WAC 392-115-085 Audit finding against SPI considered to be an audit finding against a subrecipient. An audit finding contained in an audit report of the superintendent of public instruction resulting from failure of a subrecipient to comply with state or federal law or rules and regulations, shall be considered an audit finding against the subrecipient and resolved pursuant to this chapter.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-085, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-085, filed 3/8/91, effective 4/8/91.]

WAC 392-115-090 Lack of compliance with the audit resolution process. Any subrecipient failing to comply with the process or procedures of this chapter shall be subject to the withholding or recovery of state or federal moneys. The superintendent of public instruction shall recover moneys or withhold future funding as necessary to implement management decision letters or corrective action plans. Money withheld may be released upon corrective action.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-090, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-090, filed 3/8/91, effective 4/8/91.]

WAC 392-115-095 Desk review of audit reports. As required by 34 C.F.R. Part 74, Appendix G, upon receipt of an audit report from the office of the state auditor or a certified public accountant, a desk review of the audit report shall be conducted by the superintendent of public instruction. Audit reports that pass the desk review shall be forwarded for resolution of any audit findings. Audit reports that are determined by such review to be deficient shall be rejected. The superintendent of public instruction may consult with auditors prior to the rejection of audit reports.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-095, filed 3/8/91, effective 4/8/91.]

WAC 392-115-100 Subrecipient to be informed of audit finding. The superintendent of public instruction shall inform, by letter, the affected subrecipient of an audit finding or findings within thirty calendar days after an audit report has passed desk review, as required by WAC 392-115-095. If the audit contains a monetary audit finding such letter shall be notice under P.L. 100-297 of a prima facie case for the recovery of funds, that unless rebutted, is sufficient to sustain the conclusion drawn in the audit. If the audit contains a non-monetary finding, the audit shall be a prima facie case that sustains the audit finding unless rebutted. Audit findings are sustained under this chapter unless the subrecipient can prove that the audit is deficient as specified in WAC 392-115-140.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-100, filed 3/8/91, effective 4/8/91.]

(2007 Ed.)

WAC 392-115-105 Subrecipient concurrence with audit finding. The subrecipient shall inform the superintendent of public instruction, by letter, whether it concurs or does not concur with an audit finding within thirty calendar days of the date of the notice by the superintendent of public instruction. If the subrecipient concurs with the audit finding(s), the superintendent of public instruction shall follow the process and procedures set forth in WAC 392-115-110 through 392-115-130. In the event a subrecipient elects not to respond to the notice within thirty calendar days of the date of said notice, such failure will be considered concurrence with audit finding(s). If the subrecipient does not concur with the audit finding, the subrecipient and the superintendent of public instruction shall follow the process and procedures set forth in WAC 392-115-140 through 392-115-150.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-105, filed 3/8/91, effective 4/8/91.]

WAC 392-115-110 Management decision letter developed. The superintendent of public instruction shall prepare and forward to the subrecipient a management decision letter setting forth:

- (1) Any corrective actions to be taken by the subrecipient;
- (2) Any disallowed costs to be recovered from nonfederal sources;
- (3) Any allowed costs chargeable to federal sources;
- (4) The due date for submission to the superintendent of public instruction of any corrective action plan;
- (5) Any state adjustments of data submitted which may result in revised apportionment calculations or recovered payments.

The superintendent of public instruction shall issue the management decision letter no later than one hundred eighty calendar days after the receipt of the audit report setting forth an audit finding against the subrecipient.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-110, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-110, filed 3/8/91, effective 4/8/91.]

WAC 392-115-115 Corrective action plan. The subrecipient shall develop a corrective action plan, as required in the management decision letter, setting forth:

- (1) The corrective actions; and
- (2) The schedule for implementation of corrective actions.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-115, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-115, filed 3/8/91, effective 4/8/91.]

WAC 392-115-120 SPI reviews corrective action plan. The superintendent of public instruction shall review and approve the corrective action plan and implementation schedule as proposed by the subrecipient for compliance with the required actions set forth in the management decision letter. If the corrective action plan or its implementation schedule does not comply with the requirements of the management decision letter, the superintendent shall require the subrecipient to modify the corrective action plan accordingly.

The auditor (the office of the state auditor or a certified public accountant) has the responsibility to review the subrecipient's actions to determine if the corrective actions called for in the corrective action plan have taken place and assess the adherence to the corrective action plan in making audit determinations.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-120, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-120, filed 3/8/91, effective 4/8/91.]

WAC 392-115-125 SPI informs subrecipient of the results of review. The superintendent of public instruction shall inform the subrecipient, by letter, of:

- (1) The results of its review of the corrective action plan;
- (2) Any modification required to be made by the subrecipient; and
- (3) The implementation schedule of the corrective action plan.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-125, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-125, filed 3/8/91, effective 4/8/91.]

WAC 392-115-130 Subrecipient implements corrective action plan. The subrecipient shall implement the corrective action plan, with any required modifications, by the date(s) specified by the superintendent of public instruction.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-130, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-130, filed 3/8/91, effective 4/8/91.]

WAC 392-115-135 Subrecipient nonconcurrence with audit finding. The subrecipient shall state the basis of its nonconcurrence with the audit finding by letter, within sixty calendar days (inclusive of the thirty calendar days allowed the subrecipient to notify the superintendent of public instruction of its concurrence or nonconcurrence provided in WAC 392-115-105) of notification from the superintendent of public instruction of the audit finding. The letter shall set forth in full the reasons for the nonconcurrence and be the basis for any subsequent review by the superintendent of public instruction. The subrecipient shall have the burden of proof in cases of disputed audit findings.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-135, filed 3/8/91, effective 4/8/91.]

WAC 392-115-140 SPI review of audit finding as result of nonconcurrence. The superintendent of public instruction shall review the subrecipient's letter of nonconcurrence and such review shall be limited to proof of one or more of the following:

- (1) Error or omission by the auditor;
- (2) Application of inappropriate methodology by the auditor;
- (3) Noncompliance with generally accepted auditing standards by the auditor;
- (4) Incorrect interpretation or application by the auditor of federal law or rules and regulations.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-140, filed 3/8/91, effective 4/8/91.]

[Title 392 WAC—p. 52]

WAC 392-115-145 SPI develops management decision letter. The superintendent of public instruction shall issue a management decision letter pursuant to WAC 392-115-115 incorporating the results of its review of the subrecipient's nonconcurrence with an audit finding.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-145, filed 3/8/91, effective 4/8/91.]

WAC 392-115-150 Subrecipient appeal of management decision letter. The subrecipient may, in writing, appeal the management decision letter within thirty calendar days after the date of the management decision letter to the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-150, filed 3/8/91, effective 4/8/91.]

WAC 392-115-151 Appeals or adjudicative proceedings. Pursuant to WAC 392-115-150:

(1) Any subrecipient deciding to appeal the management decision letter, may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(2) Reviewing initial orders and preparing and entering final agency orders in accordance with RCW 34.05.464 may be accomplished by a person appointed by the superintendent.

(3) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-151, filed 2/4/98, effective 3/7/98.]

WAC 392-115-155 Modification of management decision letter. The superintendent of public instruction shall consider any and all recommendations resulting from a fully exhausted appeals process in a revised management decision letter developed pursuant to WAC 392-115-110.

[Statutory Authority: 1997 c 167 and chapter 28A.300 RCW. 98-05-008 (Order 98-02), § 392-115-155, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-155, filed 3/8/91, effective 4/8/91.]

Chapter 392-117 WAC TIMELY REPORTING

WAC

392-117-005	Authority.
392-117-010	Purpose.
392-117-015	Definition—Extenuating circumstances.
392-117-020	School district and educational service district reporting responsibilities.
392-117-025	Superintendent of public instruction reporting responsibilities.
392-117-030	Failure to submit timely general apportionment data.
392-117-035	Failure to submit timely annual financial statements.
392-117-040	Extension of time for filing annual financial statements.
392-117-045	Corrections to data reported to the superintendent of public instruction.
392-117-050	Documentation requirements.

WAC 392-117-005 Authority. The authority for this chapter is RCW 28A.150.290 which establishes that the superintendent of public instruction shall have the power and duty to make rules and regulations that are necessary for the proper administration of allocations for basic education and other purposes and RCW 28A.300.040 which states that the powers and duties of the superintendent of public instruction include:

- (1) To have supervision over all matters pertaining to the public schools;
- (2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools; and
- (3) To print and distribute forms that are necessary to discharge the duties of officials charged with the administration of the laws relating to the common schools.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-005, filed 6/14/91, effective 7/15/91.]

WAC 392-117-010 Purpose. The purpose of this chapter is to provide policies and procedures to encourage timely reporting of general apportionment data and year end financial report data by school districts and educational service districts to the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-010, filed 6/14/91, effective 7/15/91.]

WAC 392-117-015 Definition—Extenuating circumstances. As used in this chapter, extenuating circumstances means a circumstance or set of circumstances that lessens or mitigates the consequences of failure under these rules to report as required in accordance with established due dates. Extenuating circumstances include but are not limited to unusual or infrequent events like an unforeseen natural event, labor dispute, or a computer system failure.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-015, filed 6/14/91, effective 7/15/91.]

WAC 392-117-020 School district and educational service district reporting responsibilities. Each school district and educational service district shall provide, upon written request of the superintendent of public instruction, such data as the superintendent deems appropriate. These requirements include but are not limited to data for determining the financial condition and results of operation of the school districts and educational service districts of the state, data for substantiating appropriation requests to the state legislature, data for administering state legal requirements, and data for substantiating each district's entitlement to state basic education apportionment.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-020, filed 6/14/91, effective 7/15/91.]

WAC 392-117-025 Superintendent of public instruction reporting responsibilities. The superintendent of public instruction shall provide each district with necessary report formats and shall advise each district of the due dates established by the superintendent for the return of such completed report forms to the educational service districts or to the superintendent of public instruction.

(2007 Ed.)

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-025, filed 6/14/91, effective 7/15/91.]

WAC 392-117-030 Failure to submit timely general apportionment data. In the event any school district or educational service district fails to submit data by the due date established or in the form required by the superintendent of public instruction and the data are unavailable for calculations pursuant to this chapter or the biennial Operating Appropriations Act, the superintendent of public instruction shall either:

- (1) Perform calculations and make payments as if the school district or educational service district reported zero data; or
- (2) Delay calculations and payments to the school district or educational service district until the next monthly apportionment payment or until after data are submitted in the form required.

If a school district or educational service district is unable to report by the due date or in the form required by the superintendent of public instruction due to extenuating circumstances, the district may request to make a tentative report. If the superintendent of public instruction agrees that extenuating circumstances exist and if the tentative report is received in time for the calculations, the superintendent of public instruction may use such tentative report for calculations and payments until such time as the district submits the final required data: Provided, That a tentative report shall not be used for more than one monthly apportionment calculation without consent of the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-030, filed 6/14/91, effective 7/15/91.]

WAC 392-117-035 Failure to submit timely annual financial statements. A school district's apportionment payments shall be delayed by the superintendent of public instruction if a school district fails to submit its annual financial statements (Report F-196) to the superintendent of public instruction by the established due date. An educational service district's apportionment payments shall be delayed by the superintendent of public instruction if an educational service district fails to submit its annual financial statements (Report F-185) to the superintendent of public instruction by the established due date. The first apportionment payment to be delayed will be for the month in which the annual financial statements are due. The first apportionment payment shall be delayed no less than thirty days. The first apportionment payment and subsequent apportionment payments shall be delayed until the annual financial statements are filed in approvable form.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-035, filed 6/14/91, effective 7/15/91.]

WAC 392-117-040 Extension of time for filing annual financial statements. The superintendent of public instruction may grant an extension of the due date of the annual financial statements. The due date may be extended a maximum of thirty days. However, extensions may be granted for a period greater than thirty days when records necessary for the preparation of the annual financial statement have been destroyed as the result of an extenuating cir-

cumstance. A school district or educational service district's request for a due date extension must be received by the superintendent of public instruction at least ten days before the due date. The superintendent of public instruction may grant an extension only because of extenuating circumstances.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-040, filed 6/14/91, effective 7/15/91.]

WAC 392-117-045 Corrections to data reported to the superintendent of public instruction. School districts and educational service districts shall submit corrections to district enrollment, personnel, and other data affecting state apportionment as provided in this section.

(1) If at any time prior to the completion of audit of data by the state auditor a school district or educational service district discovers that data have been reported to the superintendent of public instruction in error, the district shall submit revised data. The "completion of audit" means the date of the exit conference held by the state auditor with district staff as part of the district's regular financial and state compliance audit.

(2) During audit of data, districts submitting revised data shall provide a copy of revisions to the state auditor. "During audit" means between the entrance conference and the exit conference held by the state auditor with district staff as part of the district's regular financial and state compliance audit.

(3) After audit of data by the state auditor, the district shall report revisions only as part of the audit resolution process pursuant to chapter 392-115 WAC. "After audit" means after the exit conference held by the state auditor with district staff as part of the district's regular financial and state compliance audit.

(4) Unless the superintendent of public instruction provides instructions to the contrary, revised data shall be submitted in the same manner as the original report. The revised report shall contain an original signature of the educational service district superintendent or the school district superintendent or the authorized official.

[Statutory Authority: RCW 28A.150.290(1). 00-12-037, § 392-117-045, filed 5/31/00, effective 7/1/00. Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-045, filed 6/14/91, effective 7/15/91.]

WAC 392-117-050 Documentation requirements. School districts and educational service districts shall provide upon request by the superintendent of public instruction and for audit purposes, documentation to support all data reported to the superintendent of public instruction pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-050, filed 6/14/91, effective 7/15/91.]

Chapter 392-120 WAC

FINANCE—UNIVERSITY OF WASHINGTON TRANSITION SCHOOL AND EARLY ENTRANCE PROGRAM ALLOCATIONS

WAC

392-120-001 Authority.
392-120-005 Purpose.

[Title 392 WAC—p. 54]

392-120-010	Definition—University of Washington transition school and early entrance program.
392-120-015	Definition—Allowable activities.
392-120-020	Definition—Eligible student.
392-120-025	Definition—Full-time equivalent student.
392-120-027	Definition—Count date.
392-120-028	Definition—Annual average full-time equivalent student.
392-120-030	Definition—School year—Beginning—End.
392-120-035	Definition—Resident school district.
392-120-040	Definition—Allowable revenue sources.
392-120-045	Definition—Revenue per eligible student.
392-120-050	Contract between the superintendent of public instruction and the University of Washington.
392-120-055	Responsibilities—University of Washington.
392-120-060	Responsibilities—Superintendent of public instruction.
392-120-065	Calculation of quarterly allocation.
392-120-070	Recovery of unspent moneys.

WAC 392-120-001 Authority. The authority for this chapter is RCW 28A.185.040 which authorizes the superintendent of public instruction to adopt rules relating to the allocation of any state and federal moneys for students attending a University of Washington transition school and/or early entrance program.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-001, filed 7/22/02, effective 8/22/02. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-120-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.217. 88-19-026 (Order 88-21), § 392-120-001, filed 9/12/88.]

WAC 392-120-005 Purpose. The purpose of this chapter is to set forth policies and procedures relating to the allocation of state and federal moneys to the University of Washington for eligible highly capable students attending a University of Washington transition school and/or early entrance program.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-005, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-005, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-005, filed 9/12/88.]

WAC 392-120-010 Definition—University of Washington transition school and early entrance program. As used in this chapter, "University of Washington transition school and early entrance program" means programs operated by the University of Washington for the education of highly capable students.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-010, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-010, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-010, filed 9/12/88.]

WAC 392-120-015 Definition—Allowable activities. As used in this chapter, "allowable activities" means:

- (1) Selection of students;
- (2) Precollege activities;
- (3) Special advising; and
- (4) Necessary activities for the support of students.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-015, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-015, filed 9/12/88.]

(2007 Ed.)

WAC 392-120-020 Definition—Eligible student. As used in this chapter, "eligible student" means a student:

(1) Enrolled in the University of Washington transition school and/or early entrance program for not more than three years; and

(2) Eighteen years of age or younger at the beginning of the school year.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-020, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-020, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-020, filed 9/12/88.]

WAC 392-120-025 Definition—Full-time equivalent student. As used in this chapter, "full-time equivalent student" means an eligible student enrolled in and attending all courses required for continued enrollment in a transition school, and also means an eligible student who is enrolled in the early entrance program for 12 college credits or more per quarter.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-025, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-025, filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-025, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-025, filed 9/12/88.]

WAC 392-120-027 Definition—Count date. As used in this chapter "count date" means the first day of transition school or first early entrance program day during the month on which eligible students are counted and their full-time equivalency is determined. Count dates occur in the months of October through June. Eligible students counted during the summer are counted during the months of June through August.

[Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-027, filed 9/17/97, effective 10/18/97.]

WAC 392-120-028 Definition—Annual average full-time equivalent student. As used in this chapter, an "annual average full-time equivalent student" means an eligible student who is a full-time equivalent student on each of the count dates in October through June: Provided, That a student electing to attend the summer quarter in lieu of attending the autumn, winter, or spring quarter will be counted during the summer months of June through August. No individual student shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any September 1 through August 31 period for the purposes of claiming and allocating state and federal kindergarten through twelfth grade moneys to school districts and to the University of Washington.

[Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-028, filed 9/17/97, effective 10/18/97.]

WAC 392-120-030 Definition—School year—Beginning—End. As used in this chapter, "school year" shall begin on the first day of September and end with the last day of August.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-030, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-030, filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-030, filed 4/12/90, effective 5/13/90.] (2007 Ed.)

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-030, filed 4/12/90, effective 5/13/90.]

WAC 392-120-035 Definition—Resident school district. As used in this chapter, "resident school district" means the same as that term is defined in WAC 392-137-120.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-035, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-035, filed 4/12/90, effective 5/13/90.]

WAC 392-120-040 Definition—Allowable revenue sources. As used in this chapter, "allowable revenue sources" means those state revenue accounts for which the eligible student would otherwise be reported by the resident school district for allocation purposes.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-040, filed 4/12/90, effective 5/13/90.]

WAC 392-120-045 Definition—Revenue per eligible student. As used in this chapter, "revenue per eligible student" means:

(1) Calculate the annual allocation for allowable revenue sources for the resident school district for each eligible student used for the most recent apportionment payment;

(2) Divide the result obtained in subsection (1) of this section by the annual average full-time students for the resident school district used for the most recent apportionment payment.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-045, filed 4/12/90, effective 5/13/90.]

WAC 392-120-050 Contract between the superintendent of public instruction and the University of Washington. The superintendent of public instruction shall contract under the Interlocal Cooperation Act, chapter 39.34 RCW, with the University of Washington for the admission and enrollment in the transition school of up to thirty highly capable students in the state of Washington each academic year and up to eighty highly capable students in the University of Washington's Academy each academic year, and for the continued enrollment and instruction in these early entrance program(s) of such students until they turn eighteen or complete three years at the transition school and/or early entrance program, whichever first occurs.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-050, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-050, filed 4/12/90, effective 5/13/90.]

WAC 392-120-055 Responsibilities—University of Washington. The allocation of moneys pursuant to this chapter are conditioned on the University of Washington transition school and early entrance program(s) performing the following:

(1) Reporting for each count date for each eligible student of their:

(a) Full-time equivalency; and

(b) Resident school district.

(2) Expending the moneys allocated pursuant to this chapter on allowable activities.

(3) Providing health screening as agreed to by contract with the superintendent of public instruction; enforcing chap-

ter 180-140 WAC and all applicable federal laws relating to student discipline and rights for students enrolled in the transition school or early entrance program(s) who have not yet registered or enrolled in college level courses; and enforcing Title 478 WAC and all applicable federal laws relating to student conduct, discipline, records and rights, for students who have registered and enrolled in one or more college level courses.

(4) Reporting for the October count date of each year to the resident school district of the enrollment of each student in the University of Washington transition school and early entrance program(s).

(5) Reporting annually to the superintendent of public instruction the actual expenditures on allowable activities.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-055, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-055, filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-055, filed 4/12/90, effective 5/13/90.]

WAC 392-120-060 Responsibilities—Superintendent of public instruction. In carrying out the responsibilities associated with this chapter, the superintendent of public instruction shall:

(1) Perform such calculations as are necessary to carry out the several provisions of this chapter;

(2) Allocate such moneys as determined to the University of Washington transition school and early entrance program(s) quarterly.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-060, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-060, filed 4/12/90, effective 5/13/90.]

WAC 392-120-065 Calculation of quarterly allocation. The superintendent of public instruction shall calculate the quarterly allocation of moneys to the University of Washington transition school and early entrance program(s) using information available at the time the calculation is made as follows:

(1) Sum the following for each eligible student:

(a) Determine the revenue per eligible annual average full-time equivalent student; and

(b) Multiply the result obtained in (a) of this subsection by the annual average full-time equivalency of the eligible student.

(2) Adjust the result obtained in subsection (1) of this section by any over or under payments resulting from prior quarterly allocations.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-065, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-065, filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-065, filed 4/12/90, effective 5/13/90.]

WAC 392-120-070 Recovery of unspent moneys. The University of Washington transition school and early entrance program(s) shall remit the positive difference determined by subtracting the actual expenditures on allowable activities from the total allocation.

[Statutory Authority: RCW 28A.150.290. 02-15-150, § 392-120-070, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-070, filed 4/12/90, effective 5/13/90.]

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Chapter 392-121 WAC

FINANCE—GENERAL APPORTIONMENT

WAC

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392-121-435	Transfer of basic education allocation.		Apportionment credit—Resident and nonresident students. [Order 7-75, § 392-121-030, filed 12/22/75. Formerly WAC 392-29-160 and WAC 392-29-170.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-436	Emergency advance payments—School district application.		
392-121-438	Emergency advance payments—Approval criteria.	392-121-035	Apportionment funds resources and computation data. [Order 7-75, § 392-121-035, filed 12/22/75. Formerly WAC 392-29-180.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-440	Emergency advance payments—Determination of amount.		
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392-121-443	Emergency advance payments—Repayment of advances.		
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392-121-460	Fire district allocation.		
392-121-465	Formula for and distribution of state moneys for the state incentive grants for increased enrollment in vocational skills centers program.	392-121-050	Per weighted student guarantee—Method of computation. [Order 7-75, § 392-121-050, filed 12/22/75. Formerly WAC 392-29-200.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
WITHHOLDING FOR REPAYMENT OF FEDERAL MONEYS			
392-121-500	Withholding for repayment of federal moneys—Applicable provisions.	392-121-055	District entitlement—Computation of. [Order 7-75, § 392-121-055, filed 12/22/75. Formerly WAC 392-29-210 and 392-29-220.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-505	Withholding for repayment of federal moneys—Definition—Disallowed costs.		
392-121-510	Withholding for repayment of federal moneys—Definition—Management decision letter.	392-121-060	Advance payments—Emergency. [Order 7-75, § 392-121-060, filed 12/22/75. Formerly WAC 392-29-270.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-515	Withholding for repayment of federal moneys—Definition—Acceptable repayment plan.		
392-121-520	Withholding for repayment of federal moneys—Definition—Substantial impairment.	392-121-065	Reporting requirements. [Order 7-75, § 392-121-065, filed 12/22/75. Formerly WAC 392-29-250.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-525	Withholding for repayment of federal moneys—Determination of substantial impairment.		
392-121-530	Withholding for repayment of federal moneys—Notice of substantial impairment.	392-121-100	Authority and purpose. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-100, filed 7/28/80.] Repealed by 84-20-077 (Order 84-35), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
392-121-535	Withholding for repayment of federal moneys—Notice of intent to withhold basic education allocations.		
392-121-540	Withholding for repayment of federal moneys—Withholding of basic education allocations.	392-121-101	Authority. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-101, filed 10/2/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-545	Withholding for repayment of federal moneys—Payment of withheld basic education allocations.		
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392-121-570	Vocational indirect cost limit—Applicable code provisions—Purpose—Effective date.	392-121-103	Purpose. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-103, filed 10/2/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-571	Vocational indirect cost limit—Definitions.		
392-121-573	Vocational indirect cost limit—Calculation of minimum program 31 expenditures.	392-121-105	Definitions—Enrolled and full-time equivalent student. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-105, filed 10/2/84; 83-21-024 (Order 83-14), § 392-121-105, filed 10/10/83; 81-20-071 (Order 81-15), § 392-121-105, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-105, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-574	Vocational indirect cost limit—Preliminary notice to school districts below the minimum expenditure level.		
392-121-576	Vocational indirect cost limit—School district requests for review and adjustment.	392-121-10603	Definition—Higher education institution. [Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-10603, filed 12/8/94, effective 1/8/95.] Repealed by 99-08-008 (Order 99-01), filed 3/25/99, effective 4/25/99. Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290.
392-121-578	Vocational indirect cost limit—Recovery of state allocations.		
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392-121-005	Authority and purpose. [Order 7-75, § 392-121-005, filed 12/22/75. Formerly WAC 392-29-110 and 392-29-120.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-10604	Definition—Agency. [Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-10604, filed 12/8/94, effective 1/8/95.] Repealed by 99-08-008 (Order 99-01), filed 3/25/99, effective 4/25/99. Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290.
392-121-010	Definitions. [Statutory Authority: RCW 84.52.0531. 79-01-007 (Order 12-78), § 392-121-010, filed 12/8/78; Order 7-75, § 392-121-010, filed 12/22/75. Formerly WAC 392-29-130 (part).] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.		
392-121-015	Additional definitions. [Order 7-75, § 392-121-015, filed 12/22/75. Formerly WAC 392-29-130 (part) and WAC 392-29-140 (part).] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-110	Additional definitions. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 86-01-022 (Order 85-17), § 392-121-110, filed 12/9/85; 80-10-010 (Order 80-29), § 392-121-110, filed 7/28/80.] Repealed by 88-03-013
392-121-020	Annual distribution of apportionment funds. [Order 7-75, § 392-121-020, filed 12/22/75. Formerly WAC 392-29-150.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.		
392-121-025	Payment schedule. [Order 7-75, § 392-121-025, filed 12/22/75. Formerly WAC 392-29-260.] Repealed by		

	(Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.		
392-121-115	Definitions—Certificated and classified employees—Full-time equivalent. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-115, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-115, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.		84-20-077 (Order 84-35), § 392-121-145, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-145, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-145, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-120	Definition—LEAP Document 1. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-120, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-120, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-150	Placement of certificated staff with degrees on certificated staff mix table. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-150, filed 10/2/84. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-150, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-121	Definition—Certificated staff mix factor. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-121, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-121, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-155	Placement on certificated staff mix table—Documentation required. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-155, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-155, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-155, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-125	Definition—District certificated staff mix factor. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-125, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-125, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-125, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-160	Reporting requirements—General. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-160, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-126	Definition—System-wide certificated staff mix factor. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-126, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-126, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-161	Definition—Kindergarten. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-161, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-161, filed 1/11/88.] Repealed by 95-01-013, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290.
392-121-127	Proration of school district certificated staff mix factor. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-127, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-127, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-165	Payment of basic education allocation funds. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-165, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-128	Definition—Classified increment mix factor. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-128, filed 8/13/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-170	Basic education allocation—Resident and nonresident students. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-170, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-170, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-170, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-129	Definition—District classified increment mix factor. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-129, filed 8/13/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-175	Basic education allocation—Deductible revenues. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-175, filed 10/6/81. Statutory Authority: RCW 28A.41.130(4) and 28A.41.170. 80-15-025 (Order 80-36), § 392-121-175, filed 10/8/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-175, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-130	Definition—Certificated years of experience. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-130, filed 10/2/84. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-130, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-176	Basic education allocation during strike. [Statutory Authority: RCW 28A.41.170. 81-19-005 (Order 81-16), § 392-121-176, filed 9/4/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-131	Definition—Classified years of experience. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-131, filed 8/13/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-177	Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. [Statutory Authority: RCW 28A.41.170. 81-19-006 (Order 81-17), § 392-121-177, filed 9/4/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-135	Definition—Highest degree level. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-135, filed 10/2/84. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-135, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-180	Enrollment time credit-off-campus—Alternative learning experiences—Study time—National Guard—Absences. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-180, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-140	Definition—Credits earned since highest degree. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-140, filed 10/2/84. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-140, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-181	Off-campus instruction requirements. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-181, filed 1/11/88.]
392-121-145	Placement of nondegree certificated personnel on LEAP Document 1. [Statutory Authority: RCW 28A.41.170.		

	Repealed by 95-01-013, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290.	392-121-269	Definition—LEAP Document 1R. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-269, filed 1/2/91, effective 2/2/91.] Repealed by 92-23-044 (Order 92-15), filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290.
392-121-183	Contracting with a higher education institution. [Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-183, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-183, filed 1/11/88.] Repealed by 99-08-008 (Order 99-01), filed 3/25/99, effective 4/25/99. Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290.	392-121-272	Placement of nondegree certificated instructional personnel on the statewide salary allocation schedule and on LEAP salary allocation documents. [Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-272, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-272, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-272, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.
392-121-185	Advance payments—Emergency. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-185, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-285	Definition—District average basic education certificated instructional staff salary per placement on the statewide salary allocation schedule. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-285, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.
392-121-186	Procedure for crediting portion of basic education allocation for capital purposes in school districts. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-186, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-290	Definition—District actual average annual basic education certificated instructional staff salary. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-290, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.
392-121-190	Reporting requirements. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-190, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-297	Definition—District actual derived base salary for basic education certificated instructional staff. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-297, filed 1/11/88.] Repealed by 91-02-097 (Order 51), filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502.
392-121-195	Fire district allocation. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-13-019 (Order 84-9), § 392-121-195, filed 6/13/84. Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-195, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.	392-121-405	Termination of an interdistrict cooperative agreement. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-405, filed 1/11/88.] Repealed by 92-23-044 (Order 92-15), filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290.
392-121-245	Definition—Certificated years of experience. [Statutory Authority: RCW 28A.150.290 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-245, filed 11/5/97, effective 12/6/97. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-245, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-245, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-245, filed 1/11/88.] Decodified and amended by 02-22-065, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. Recodified as § 392-121-264.	392-121-550	Vocational-secondary indirect cost limit—Applicable code provisions—Purpose—Effective date. [Statutory Authority: RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-550, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
392-121-260	Definition—Total eligible credits effective for the 1989-90 school year. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 90-13-088 (Order 15), § 392-121-260, filed 6/20/90, effective 7/21/90. Statutory Authority: RCW 28A.41.170. 89-13-064 (Order 89-3), § 392-121-260, filed 6/20/89. Statutory Authority: RCW 28A.41.170 and 28A.41.055. 88-22-064 (Order 88-24), § 392-121-260, filed 11/2/88; 88-03-013 (Order 88-8), § 392-121-260, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.	392-121-552	Vocational-secondary indirect cost limit—Definitions. [Statutory Authority: RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-552, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
392-121-265	Definition—Statewide salary allocation schedule. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-265, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-265, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.	392-121-554	Vocational-secondary indirect cost limit—Calculation of minimum direct expenditures. [Statutory Authority: RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-554, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
392-121-267	Definition—LEAP Document 1. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-267, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.	392-121-556	Vocational-secondary indirect cost limit—School district requests for adjustment. [Statutory Authority: RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-556, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
392-121-268	Definition—LEAP Document 12. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-268, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-268, filed 1/11/88.] Repealed by 92-23-044 (Order 92-15), filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290.	392-121-558	Vocational-secondary indirect cost limit—Recovery of state allocations. [Statutory Authority: RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-558, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
		392-121-560	Vocational-secondary staffing formula—Applicable code provisions—Effective date. [Statutory Authority:

- RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-560, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-121-562 Vocational-secondary staffing formula—Definitions. [Statutory Authority: RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-562, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-121-564 Vocational-secondary staffing formula—Reporting of supplemental staff. [Statutory Authority: RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-564, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-121-566 Vocational-secondary staffing formula—Calculation of school district vocational-secondary certificated staff ratios. [Statutory Authority: RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-566, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-121-568 Vocational-secondary staffing formula—Determination of state-funded vocational-secondary certificated staff ratio. [Statutory Authority: RCW 28A.150.290(2) and 1998 c 346 § 502 (2)(c)(iii). 98-21-066 (Order 98-10), § 392-121-568, filed 10/20/98, effective 11/20/98.] Repealed by 01-22-031, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).

GENERAL PROVISIONS

WAC 392-121-001 Authority. The authority for this chapter is RCW 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary for the proper administration of chapter 28A.150 RCW. This general authority is supplemented by RCW 28A.150.400 which authorizes the superintendent of public instruction to develop apportionment factors based on data and statistics derived in an annual period established by the superintendent of public instruction.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-121-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-001, filed 1/11/88.]

WAC 392-121-003 Purpose. The purpose of this chapter is to set forth policies and procedures related to the general apportionment of state moneys for the operation of common schools within the state of Washington. This section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-003, filed 1/11/88.]

WAC 392-121-007 Organization of this chapter. This chapter is in the following general subject areas:

- Sections 001-099 General provisions.
- Sections 100-199 Enrollment.
- Sections 200-299 Certificated instructional staff.
- Sections 400-499 Apportionment.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-007, filed 1/11/88.]

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WAC 392-121-011 General provisions. The following general provisions apply to this chapter:

(1) Calculations made by the superintendent of public instruction shall use the most current school district information for the school year on file with the superintendent of public instruction at the time of the calculation unless otherwise provided in this chapter or in chapter 392-117 WAC, Timely reporting.

(2) Full-time equivalent staff shall be rounded to the nearest three decimal places.

(3) Full-time equivalent enrollment shall be rounded to the nearest two decimal places.

(4) Ratios of full-time equivalent staff to students shall be expressed as a ratio of staff to one thousand students and shall be rounded to the nearest two decimal places (e.g., 51.21/1000).

(5) Unless otherwise stated, report forms, staff, salary, and enrollment data references in these rules are report forms, staff, salary, or enrollment data for the school year for which calculations pursuant to this chapter are being made.

(6) Employee assignments and account codes for program, duty, and activity shall mean the same as defined in the accounting manual for public school districts in the state of Washington and in instructions for personnel reporting provided by the superintendent of public instruction.

(7) School districts shall have available upon request by the superintendent of public instruction and for audit purposes, such documentation as necessary to support all data reported to the superintendent of public instruction pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290, 92-23-044 (Order 92-15), § 392-121-011, filed 11/16/92, effective 12/17/92.]

WAC 392-121-021 Reporting requirements. The provisions of chapter 392-117 WAC, Timely reporting, apply to allocations made pursuant to this chapter. Failure of a school district to report in the form or by the deadline required by the superintendent of public instruction may result in the reduction or delay of apportionment payments.

[Statutory Authority: RCW 28A.150.290, 92-23-044 (Order 92-15), § 392-121-021, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-021, filed 1/11/88.]

WAC 392-121-031 Definition—School year. As used in this chapter, "school year" means the annual period commencing on the first day of September of one calendar year and ending the last day of August of the ensuing calendar year: Provided, That for those school districts commencing basic education program prior to September 1, the following activities shall be considered to be within the school year that commences September 1.

- (1) School days scheduled prior to September 1; and
- (2) Staff days and activities in preparation for the school year included in employee contracts for the school year, but occurring before September 1.

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7), 99-20-021 (Order 98-07), § 392-121-031, filed 9/28/99, effective 9/29/99. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-031, filed 1/11/88.]

WAC 392-121-033 Definition—School day. As used in this chapter, "school day" means a calendar day except school holidays on which students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-033, filed 1/11/88.]

ENROLLMENT

WAC 392-121-106 Definition—Enrolled student. As used in this chapter, "enrolled student" means a person residing in Washington state who:

(1) Is eligible to enroll in the school district's education programs because he or she:

(a) Resides in the school district with or without an address (RCW 28A.225.010, 28A.225.160 and 28A.225.-215);

(b) Resides on a United States reservation, national park, national forest, or Indian reservation contiguous to the school district (RCW 28A.225.170);

(c) Resides in a school district not offering the grade for which they are eligible to enroll such as a nonhigh district (RCW 28A.225.210);

(d) Has been released from the school district he or she resides in and has been accepted by the school district claiming enrollment (RCW 28A.225.225 and 28A.225.230);

(e) Will be attending the school district as part of an interdistrict cooperative program (RCW 28A.225.250); or

(f) Will be attending school in a school district in another state per a reciprocity agreement pursuant to RCW 28A.225.-260.

(2) After the close of the prior school year has presented himself or herself, or has been presented, to the school district's appropriate official to be entered on the school district's rolls for the purpose of attending school in grades kindergarten through twelve;

(3) Is under twenty-one years of age at the beginning of the school year;

(4) Actually participated on a school day during the first four school days of the current school term (semester or quarter), or on a school day during the current school term on or prior to the date being counted, in a course of study offered by the school district as defined in WAC 392-121-107; and

(5) Does not qualify for any of the enrollment exclusions set forth in WAC 392-121-108.

[Statutory Authority: RCW 28A.150.290. 95-10-011 (Order 95-03), § 392-121-106, filed 4/25/95, effective 5/26/95; 95-01-013, § 392-121-106, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-106, filed 1/11/88.]

WAC 392-121-10601 Definition—Kindergarten. As used in this chapter, "kindergarten" means an instructional program conducted pursuant to RCW 28A.150.220 for students who meet the entry age requirements pursuant to chapter 180-39 WAC.

(2007 Ed.)

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-10601, filed 12/8/94, effective 1/8/95.]

WAC 392-121-10602 Definition—First grade. As used in this chapter, "first grade" means an instructional program conducted pursuant to RCW 28A.150.220 for students who meet the entry age requirements pursuant to chapter 180-39 WAC.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-10602, filed 12/8/94, effective 1/8/95.]

WAC 392-121-107 Definition—Course of study. As used in this chapter, "course of study" means those activities for which students enrolled pursuant to chapters 180-16, 180-50, 180-51, 392-169 and 392-134 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Course of study includes:

(a) Instruction - teaching/learning experiences conducted by school district staff as directed by the administration and the board of directors of the school district, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.

(b) Alternative learning experience - alternative learning experience provided by the school district in conformance with WAC 392-121-182.

(c) Instruction provided by a contractor - instruction provided by a contractor in conformance with WAC 392-121-188.

(d) National guard - participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.305.170 and WAC 180-50-320. Such participation may be counted as a course of study only by the school district which the individual last attended.

(e) Ancillary service - any cocurricular service or activity, any health care service or activity, and any other services or activities, for or in which enrolled students are served by appropriate school district staff. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, and if such service is provided by the district, certificated contact time pursuant to RCW 28A.225.010 (4)(a) with students who are in a home-based instruction program. The term shall exclude all extracurricular activities and all other courses of study defined in this section. In conformance with WAC 392-134-025, school districts report the actual number of student contact hours of ancillary service for part-time, private school, and home-based students to the superintendent of public instruction.

(f) Work based learning - training provided pursuant to WAC 180-50-315 and reported as provided in WAC 392-121-124.

(g) Running start - attendance at an institution of higher education pursuant to RCW 28A.600.300 through 28A.600.-400, chapter 392-169 WAC.

(h) Transition school - participation in the University of Washington's transition school and early entrance program pursuant to RCW 28A.185.040, and chapter 392-120 WAC.

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Such participation shall be reported by the University of Washington and shall not be reported by a school district.

(i) Technical college direct funding - enrollment at a technical college pursuant to RCW 28A.150.275 and WAC 392-121-187. Such participation shall be reported by the technical college and shall not be reported by a school district unless the technical college and the school district agree to have the school district report such enrollment.

(2) Course of study does not include:

(a) Home-based instruction pursuant to RCW 28A.225.010(4): Education programs provided by a parent which do not meet the requirements of WAC 392-121-182 cannot be claimed for state funding;

(b) Private school instruction pursuant to chapter 28A.195 RCW;

(c) Adult education as defined in RCW 28B.50.030(12);

(d) Instruction provided to students who do not reside in Washington state (RCW 28A.225.260);

(e) Enrollment in state institutions, i.e., state operated group homes, county juvenile detention centers, state institutions for juvenile delinquents, and state residential habilitation centers;

(f) Instruction preparing a student for the general education development (GED) test if such instruction generates state or federal moneys for adult education;

(g) Enrollment in education centers except as provided under contract with a school district pursuant to RCW 28A.150.305 and WAC 392-121-188;

(h) Enrollment in the Washington state school for the deaf and the Washington state school for the blind;

(i) Extracurricular activities including but not limited to before and after school activities such as classes, sports and other activities offered outside the regular curriculum or for which credit is not earned; or

(j) Attendance at universities, colleges, community colleges, or technical colleges of students not earning high school credit.

[Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290. 99-08-008 (Order 99-01), § 392-121-107, filed 3/25/99, effective 4/25/99. Statutory Authority: RCW 28A.150.290. 97-22-013 (Order 97-06), § 392-121-107, filed 10/27/97, effective 11/27/97; 95-18-097, § 392-121-107, filed 9/6/95, effective 10/7/95; 95-01-013, § 392-121-107, filed 12/8/94, effective 1/8/95. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-107, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-107, filed 1/11/88.]

WAC 392-121-108 Definition—Enrollment exclusions. A person who qualifies for any of the exclusions set forth in this section shall not be counted as an enrolled student pursuant to WAC 392-121-106.

(1) Absences - except as provided in (a) and (b) of this subsection, a student whose consecutive days of absence from school exceed twenty school days shall not be counted as an enrolled student until attendance is resumed.

(a) If there is a written agreement between the appropriate school official and a student's parent or guardian pursuant to RCW 28A.225.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress, the absent student may be counted as an enrolled student for up to two monthly enrollment count dates as specified in WAC 392-121-122.

(b) A student receiving home and/or hospital service pursuant to WAC 392-172-218 shall be counted as an enrolled student as provided in WAC 392-122-145.

(2) Dropouts - a student for whom the school district has received notification of dropping out of school by the student or the student's parent or guardian shall not be counted as an enrolled student until attendance is resumed.

(3) Transfers - a student who has transferred to another public or private school and for whom the school district has received notification of transfer from the school to which the student has transferred, from the student, or from the student's parent or guardian shall not be counted as an enrolled student unless the student reenrolls in the school district.

(4) Suspensions - a student who has been suspended from school pursuant to WAC 180-40-260, when the conditions of the suspension will cause the student to lose academic grades or credit, shall not be counted as an enrolled student until attendance is resumed.

(5) Expulsions - a student who has been expelled from all school subjects or classes by the school district pursuant to WAC 180-40-275 or 180-40-290 shall not be counted as an enrolled student; a student who has been partially expelled, such as from a single school subject or class, by the school district pursuant to WAC 180-40-275 or 180-40-290 may be considered a part-time enrolled student.

(6) Graduates - a student who has met the high school graduation requirements of chapter 180-51 WAC by the beginning of the school year.

[Statutory Authority: RCW 28A.150.290. 05-19-140, § 392-121-108, filed 9/21/05, effective 10/22/05; 97-22-013 (Order 97-06), § 392-121-108, filed 10/27/97, effective 11/27/97; 95-01-013, § 392-121-108, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290, 28A.150.250 and 28A.150.260. 91-02-096 (Order 50), § 392-121-108, filed 1/2/91, effective 2/2/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-108, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-108, filed 1/11/88.]

WAC 392-121-111 Definitions—Student residence, resident district and nonresident district. As used in this chapter, "student residence," "resident district" and "nonresident district" mean the same as defined in WAC 392-137-115 through 392-137-125.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-111, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-111, filed 1/11/88.]

WAC 392-121-119 Definition—Enrollment count dates. As used in this chapter, "enrollment count dates" means the fourth school day of September and the first school day of each of the eight subsequent months of the school year for all school districts including districts which commence basic education programs prior to September 1st. Exceptions are limited to the following:

(1) In school districts where not every school or grade follows the same calendar of school days, the calendar of an individual school or an entire grade level within a school may determine the monthly enrollment count date for that school or grade level within the school.

(2) The nine count dates for running start enrollment shall be the first school day of each month of October through June.

[Statutory Authority: RCW 28A.150.290. 97-22-013 (Order 97-06), § 392-121-119, filed 10/27/97, effective 11/27/97.]

WAC 392-121-122 Definition—Full-time equivalent student. As used in this chapter, "full-time equivalent student" means each enrolled student in the school district as of one of the enrollment count dates for at least the minimum number of hours set forth in subsection (1) of this section, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: Provided, That each hour counted shall contain at least 50 minutes of instruction or supervised study provided by appropriate instructional staff. The purpose of recognizing "50 minute hours" is to provide flexibility to school districts which utilize block periods of instruction so long as students are ultimately under the jurisdiction of school staff for the equivalent of 60 minute hours: Provided further, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter.

(1) The minimum hours for each grade are as follows:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(2) A student enrolled for less than the minimum hours shown in subsection (1) of this section shall be counted as a partial full-time equivalent student equal to the student's hours of enrollment divided by the minimum hours for the student's grade level set forth in subsection (1) of this section.

(3) The full-time equivalent of a student's running start enrollment pursuant to RCW 28A.600.300 through 28A.600.400 shall be determined pursuant to chapter 392-169 WAC. If a running start student is enrolled both in high school courses provided by the school district and in running start courses provided by the college, the high school full-time equivalent and the running start full-time equivalent shall be determined separately.

(4) The full-time equivalent of University of Washington transition school students shall be determined pursuant to chapter 392-120 WAC.

(5) The full-time equivalent of a student's alternative learning experience shall be determined pursuant to WAC 392-121-182.

[Statutory Authority: RCW 28A.150.290. 97-22-013 (Order 97-06), § 392-121-122, filed 10/27/97, effective 11/27/97; 95-01-013, § 392-121-122, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-122, filed 1/11/88.]

WAC 392-121-123 Nonstandard school year programs. Notwithstanding the count dates in WAC 392-121-122, a student who is participating in a course of study, other than running start and transition school, on a tuition-free basis and who has not been counted as a full-time equivalent student for all of the first nine months of the school year may be counted in any of the last three months of the school year

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as long as enrollment counts for such student do not exceed the limitation on enrollment counts set forth in WAC 392-121-136.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-123, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-123, filed 1/11/88.]

WAC 392-121-124 Full-time equivalent enrollment for work based learning. For work based learning provided pursuant to WAC 180-50-315, a student's full-time equivalent shall be determined as follows:

(1) For cooperative work based learning experience, in accordance with WAC 180-50-315 (1)(g), divide the student's hours of work experience for the month by two hundred; for example: Forty hours of cooperative work experience equals two tenths of a full-time equivalent ($40 \div 200 = 0.20$). For instructional work based learning experience, in accordance with WAC 180-50-315 (1)(f) and WAC 296-125-043(4), divide the student's enrolled hours of work experience for the month by one hundred; for example: Twenty hours of instructional work experience equals two tenths of a full-time equivalent ($20 \div 100 = 0.20$). Enrollment exclusions in WAC 392-121-108 apply to instructional work based learning enrolled hours.

(2) Estimated or scheduled hours of cooperative work based learning experience may be used in determining a student's full-time equivalent on an enrollment count date: Provided, That the combined monthly hours reported for the school year shall not exceed the student's actual hours of cooperative work based learning experience documented on the student's work records and maintained by the school district for audit purposes. Instructional and cooperative work based learning experience during June of the regular school year shall be included in the May enrollment count.

(3) Work based learning provided as part of a state-approved vocational education program qualifies for enhanced vocational funding and may be included in determining a student's vocational full-time equivalent enrollment.

(4) No more than three hundred sixty hours of cooperative work based learning may be claimed for funding for each credit a student pursues as reported on the student's transcript. No more than one hundred eighty hours of instructional work based learning may be claimed for funding for each credit a student pursues as reported on the student's transcript.

(5) Funding may be claimed only for work based learning hours that occur after the work based learning plan, work based agreement, program orientation and new employee orientation, as defined in WAC 180-50-315, are completed.

[Statutory Authority: RCW 28A.150.290. 04-14-068, § 392-121-124, filed 7/2/04, effective 9/1/04; 98-07-060 (Order 98-03), § 392-121-124, filed 3/17/98, effective 4/17/98.]

WAC 392-121-133 Definition—Annual average full-time equivalent students. As used in this chapter, "annual average full-time equivalent students" means the sum of the following:

(1) The annual total of full-time equivalent students enrolled on the nine enrollment count dates of the school year and reported to the superintendent of public instruction pursuant to WAC 392-121-122 divided by nine;

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(2) Annual hours of ancillary service to part-time, private school, and home-based students reported pursuant to WAC 392-121-107 divided by 900; and

(3) Annual hours of eligible enrollment in nonstandard school year programs pursuant to WAC 392-121-123 divided by 900.

[Statutory Authority: RCW 28A.150.290, 97-22-013 (Order 97-06), § 392-121-133, filed 10/27/97, effective 11/27/97. Statutory Authority: RCW 28A.150.290, 28A.150.250 and 28A.150.260, 91-02-096 (Order 50), § 392-121-133, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-133, filed 1/11/88.]

WAC 392-121-136 Limitation on enrollment counts.

Enrollment counts pursuant to WAC 392-121-106 through 392-121-133 are subject to the following limitations:

(1) Except as provided in (a) and (b) of this subsection, no student, including a student enrolled in more than one school district, shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any school year.

(a) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time equivalent students based upon actual enrollment in such vocational skills centers on the first school day of July of each year. Each district operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data.

(b) Enrollment count limitations apply separately to a student's running start and high school enrollments.

(2) Running start enrollment counts are limited as provided in chapter 392-169 WAC and specifically as provided in WAC 392-169-060.

(3) The full-time equivalent reported for a five year old preschool student with a disability is limited as provided in WAC 392-121-137.

(4) No kindergarten student, including a student enrolled in more than one school district, shall be counted as more than one-half of an annual average full-time equivalent student in any school year.

(5) A student reported as full-time on Form SPI E-672 pursuant to WAC 392-122-275 for institutional education funding shall not be reported by a school district for basic education funding on that enrollment count date.

(6) A student reported as part-time on Form SPI E-672 shall not be reported by a school district for more than part-time basic education funding on that enrollment count date and the total enrollment reported by one or more school districts for basic education and on Form SPI E-672 must not exceed one full-time equivalent.

[Statutory Authority: RCW 28A.150.290, 97-22-013 (Order 97-06), § 392-121-136, filed 10/27/97, effective 11/27/97; 95-01-013, § 392-121-136, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290, 28A.150.250 and 28A.150.260, 91-02-096 (Order 50), § 392-121-136, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-136, filed 1/11/88.]

WAC 392-121-137 Full-time equivalent enrollment of students with a disability. In determining the full-time equivalent enrollment of students reported as students with a

disability pursuant to chapter 392-172 WAC, the following rules apply:

(1) If the student is enrolled exclusively in an ungraded special education program, the student's grade level shall be based on the typical grade level of students of the same age (e.g., a student who is six years old at the beginning of the school year shall be counted as a first grader).

(2) If the student is enrolled in a grade level below the typical grade level of students of the same age, the school district shall have the option of counting the student in the grade enrolled or the typical grade level of students of the same age.

(3) A student with a disability who is five years old at the beginning of the school year may be counted as a kindergarten student only if the student is enrolled full time (twenty hours or more per week), or is enrolled in a kindergarten program and is provided special education services in addition to the kindergarten program.

[Statutory Authority: RCW 28A.150.290, 97-22-013 (Order 97-06), § 392-121-137, filed 10/27/97, effective 11/27/97; 95-01-013, § 392-121-137, filed 12/8/94, effective 1/8/95.]

WAC 392-121-138 Full-time equivalent enrollment of vocational education students. For the purpose of enhanced funding for vocational education, full-time equivalent enrollment in vocational secondary and skills center programs shall be based upon the actual hours of enrollment in state approved vocational courses. Vocational full-time equivalent enrollment shall be determined pursuant to WAC 392-121-122 and shall be reported on the same monthly basis as the enrollment for students eligible for basic support.

[Statutory Authority: RCW 28A.150.290, 98-07-060, § 392-121-138, filed 3/17/98, effective 4/17/98; 95-01-013, § 392-121-138, filed 12/8/94, effective 1/8/95.]

WAC 392-121-182 Alternative learning experience requirements. (1) An alternative learning experience may be counted as a course of study. A school district alternative learning experience may make use of digital and/or on-line curricula, and may be delivered over the internet or using other electronic means. A school district alternative learning experience may also include significant participation by students, parents, and families in the design and implementation of a student's learning experience. This section provides an alternative method of determining full-time equivalent enrollment and claiming state funding for public school learning experiences that are:

(a) Individual courses of study for students who meet the definition for enrollment specified by WAC 392-121-106. Students may enroll part-time in alternative learning experiences. Such enrollment shall be subject to the provisions of RCW 28A.150.350 and chapter 392-134 WAC;

(b) Supervised, monitored, assessed, and evaluated by school staff. As used in this section, "school staff" means certificated instructional staff of the school district according to the provisions of chapter 180-82 WAC, or a contractor pursuant to WAC 392-121-188;

(c) Provided in accordance with a written alternative learning experience plan that is implemented pursuant to the school district board's policy for alternative learning experiences; and

(d) Provided in whole or part, outside the regular classroom setting, including those learning experiences provided digitally via the internet or other electronic means.

This section sets forth the standards, procedures, and requirements for state funded alternative learning experiences. This section is not intended to prevent or limit alternative education programs provided by a school district with federal or local resources.

An alternative learning experience may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

(2) **School district board policies for alternative learning experiences:** The board of directors of a school district claiming state funding for alternative learning experiences shall adopt and annually review written policies for each alternative learning experience program and program provider that:

(a) Require a written plan for each student participating in an alternative learning experience that meets the minimum criteria pursuant to subsection (4) of this section;

(b) Require that the overall ratio of certificated instructional staff to full-time equivalent students enrolled in alternative learning experience programs and courses, including those that rely primarily on digital curriculum, be identified and approved by the school district board of directors in a public meeting;

(c) Describe how student performance will be supervised, monitored, assessed, evaluated, and recorded by school staff. Such description shall include methods for periodic grade reporting, if different from existing school district policy;

(d) Require each student enrolled in an alternative learning experience to have direct personal contact with school staff at least weekly, until the student completes the course objectives or the requirements of the learning plan. Direct personal contact shall be for the purposes of instruction, review of assignments, testing, reporting of student progress, or other learning activities. Direct personal contact means a face-to-face meeting with the student and, where appropriate, the student's parent or guardian. In establishing policies for alternative learning experience programs and program providers, the school district board of directors may determine that direct personal contact can be accomplished through the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication, instead of a face-to-face meeting, if in the judgment of the board such contact methods do not compromise educational quality, student health and safety, or the fiscal integrity of the district;

(e) Require that each student's educational progress be reviewed at least monthly and that the results of each review be communicated to the student and if the student is in grades K–8, the student's parent or guardian;

(f) At the discretion of the school district board, the policy may describe responsibilities of the student's parent(s) or guardian including, but not limited to:

(i) Approval of the written alternative learning experience plan;

(ii) Responsibility for the parent(s) or guardian to provide or implement a portion of the student's alternative learn-

ing experience under the supervision of school staff, if the parent(s) or guardian agrees; and

(iii) Requirements to meet with school staff for purposes of evaluating the student's performance and/or receiving instructions on assisting with the student's alternative learning experience. The school district board may also prescribe requirements for appointing a person to provide or supervise a portion of the student's alternative learning experience in the event the student's parent(s) or guardian will not or cannot be a participant in the student's alternative learning experience;

(g) Designate one or more school district official(s) responsible for approving specific alternative learning experience programs or courses, monitoring compliance with this section, and reporting at least annually to the school district board of directors on the program. This annual report shall include at least the following:

(i) Documentation of alternative learning experience student headcount and full-time equivalent enrollment claimed for basic education funding;

(ii) A description of how certificated and classified staff are assigned program management and instructional responsibilities that maximize student learning, including the ratio of certificated instructional staff to full-time equivalent students;

(iii) A description of how a written student learning plan pursuant to subsection (4) of this section, is developed, and student performance supervised and evaluated, by certificated staff;

(iv) A description of how the program supports the district's overall goals and objectives for student academic achievement; and

(v) Results of any self-evaluations conducted pursuant to subsection (7) of this section;

(h) Satisfy the state board of education's requirements for courses of study and equivalencies (chapter 180-50 WAC);

(i) For alternative learning experience courses offering credit, or for alternative learning experience programs issuing a high school diploma, satisfy the state board of education's high school graduation requirements (chapter 180-51 WAC); and

(j) Identify what, if any, expenditures which are directly related to the written student learning plan and are paid by participants of an alternative learning experience may be subject to reimbursement by the district.

(3) **Alternative learning experience implementation standards:**

(a) Alternative learning experiences shall be accessible to all students, including those with disabilities. Alternative learning experiences for special education students shall be provided in accordance with chapter 392-172 WAC.

(b) It is the responsibility of the school district or school district contractor to ensure that students have all curricula, course content, instructional materials, and other learning resources essential to successfully complete the requirements of the written student learning plan. Curricula, course content, instructional materials, and other learning resources for alternative learning experiences shall at minimum be consistent in quality with those available to the district's overall stu-

dent population. Instructional materials shall be provided in accordance with RCW 28A.320.230.

(c) Work-based learning as a component of an alternative learning experience course of study shall be subject to the provisions of WAC 180-50-315 and 392-121-124.

(d) Contracting for alternative learning experiences shall be subject to the provisions of WAC 392-121-188 and RCW 28A.150.305.

(e) A school district that provides one or more alternative learning experiences to a student shall provide the parent(s) or guardian of the student, prior to the student's enrollment, with a description of the difference between home-based instruction pursuant to chapter 28A.200 RCW and the enrollment option selected by the student. The parent or guardian shall sign documentation attesting to his or her understanding of the difference and the documentation shall be retained by the district and made available for audit.

(f) The school district shall institute reliable methods to verify a student is doing his or her own work. The methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district.

(g) State funded public schools or public school programs whose primary purpose is to provide alternative learning experiences using digital or on-line means shall be accredited through the state accreditation program or through the regional accreditation program.

(4) **Written student learning plan:** Each student enrolled in an alternative learning experience course of study shall have a written student learning plan designed to meet the student's individual educational needs. The written student learning plan may be developed in partnership with the student, the student's parents, and other interested parties, with recognition that school staff has the primary responsibility and accountability for the plan, including supervision and monitoring, and evaluation and assessment of the student's progress. The written student learning plan shall include, but not be limited to, the following elements:

(a) A beginning and ending date for the learning experience;

(b) An estimate of the average number of hours per week that the student will engage in learning activities to meet the requirements of the student learning plan. This estimate may be used in reporting enrollment in compliance with subsection (5) of this section and must be based upon the criteria in subsection (6) of this section;

(c) A description of how weekly contact requirements will be fulfilled;

(d) A description of the specific learning goals and performance objectives of the alternative learning experience. This requirement may be met through the use of course syllabi or other similarly detailed descriptions of learning requirements. The description shall clearly identify the requirements a student must meet to successfully complete the course or program;

(e) Identification of instructional materials essential to successful completion of the learning plan; and

(f) A description of the timelines and methods for evaluating student progress toward the learning goals and performance objectives specified in the learning plan.

The written student learning plan shall identify whether the alternative learning experience meets one or more of the state essential academic learning requirements or any other academic goals, objectives, and learning requirements defined by the school district. For a high school alternative learning experience, the plan shall specify whether the experience meets state and district graduation requirements.

(5) **Enrollment reporting:** Effective the 2005-06 school year, the full-time equivalency of students enrolled in alternative learning experience programs shall be determined as follows:

(a) Using the definition of full-time equivalent student in WAC 392-121-122 and the number of hours the student is expected to engage in learning activities as follows:

(i) On the first enrollment count date on or after the start date specified in the written student learning plan, the estimated average weekly hours of learning activity described in the written student learning plan;

(ii) On subsequent monthly count dates, if the student's progress review pursuant to subsection (6) of this section indicates satisfactory progress, the student's full-time equivalent shall be based on the estimated average weekly hours of learning activity identified in the student learning plan;

(iii) If the student's progress review indicates a lack of satisfactory progress, the student's full-time equivalent shall be based on the estimated average weekly hours of learning activity described in the student learning plan, and the actual number of hours the student engages in learning activity pursuant to the written student learning plan shall be documented during the ensuing month. Documented hours shall encompass only time spent on those learning activities intended to accomplish the learning goals and performance objectives identified in the written student learning plan, shall meet the following criteria and shall be verified by district staff:

(A) Those hours of classroom instruction provided by school staff;

(B) Those hours of work based learning calculated in accordance with WAC 392-121-107 (1)(f);

(C) Those hours of learning activity other than those specified in (a)(iii)(A), (B) and (D) of this subsection that are conducted and supervised by the student's parent(s) or guardian, or other person as designated by the written plan; and

(D) Those hours that the student participates in learning activities other than those specified in (a)(iii)(A), (B) and (C) of this subsection. If the student is in grades K-8, such learning activity shall be supervised by the student's parent(s) or guardian or other person designated by the written student learning plan;

(iv) On subsequent monthly count dates, if the student's progress review indicates a lack of satisfactory progress, the student's full-time equivalent shall be based on the actual average weekly hours of learning activity documented during the prior month;

(v) Enrollment of part-time students shall be subject to the provisions of RCW 28A.150.350, and shall generate the pro rata share of full-time funding.

(b) The enrollment count shall exclude students meeting the definition of enrollment exclusions in WAC 392-121-108 or students who have not had direct personal contact with school staff for twenty consecutive school days. Any such

student shall not be counted as an enrolled student until the student has met with appropriate school staff and resumed participation in their alternative learning experience or participated in another course of study as defined in WAC 392-121-107;

(c) School districts providing alternative learning experiences to nonresident students shall document the district of the student's physical residence, and shall establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate.

(6) Accountability for student performance:

(a) At minimum, students enrolled in alternative learning experiences shall have their educational performance evaluated according to the following process and schedule:

(i) Each student's educational progress shall be reviewed at least once per month. The progress review shall be based on the learning goals and performance objectives defined in the written student learning plan.

(ii) The progress review shall be conducted by school staff and shall include direct personal contact with the student. If allowed by district policy, direct personal contact may include the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication. The results of the review shall be communicated to the student and, where possible, the student's parent(s) or guardian.

(iii) Based on the progress review, school staff shall determine and document whether the student is making satisfactory progress in completing the learning activities and reaching the learning goals and performance objectives defined in the written plan.

(iv) If the student fails to make satisfactory progress for no more than two consecutive evaluation periods or if the student fails to follow the written student learning plan, an intervention plan designed to improve student progress shall be developed and implemented. This intervention plan shall be developed by school staff in conjunction with the student and, for students in grades K–8, the student's parent(s) or guardian.

(v) If, after no more than three subsequent evaluation periods, the student still is not making satisfactory progress, a plan designed to more appropriately meet the student's educational need shall be developed and implemented by school staff in conjunction with the student and, for students in grades K–8, the student's parent(s) or guardian.

(b) The educational progress of students enrolled in alternative learning experiences shall be assessed at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students shall also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW.

(c) Students enrolled full-time in nonresident alternative learning experience schools, programs, or courses shall have the opportunity to participate in any required annual state assessments at the district of residence, subject to that dis-

trict's planned testing schedule. It is the responsibility of the enrolling district to facilitate all necessary coordination with the district of residence and with the student and, where appropriate, the student's parent(s) or guardian to fulfill this requirement. Such coordination may include arranging for appropriate assessment booklets, student notification of assessment administration schedules, arrangements for forwarding of completed assessment booklets to the enrolling district for submission for scoring and reporting, and other steps as may be necessary. Assessment results for students assessed according to these provisions shall be included in the enrolling district's accountability measurements, and not in the district of residence's accountability measurements.

(7) Program evaluation: School districts offering alternative learning experiences shall engage in periodic self-evaluation of these learning experiences in a manner designed to objectively measure their effectiveness, including the impact of the experiences on student learning and achievement. Self-evaluation shall follow a continuous improvement model, and may be implemented as part of the school district's school improvement planning efforts.

(8) Annual reporting: Each school district offering alternative learning experiences shall report annually to the superintendent of public instruction on the types of programs and course offerings subject to this section, including student headcount and full-time equivalent enrollment claimed for basic education funding. The report shall identify the ratio of certificated instructional staff to full-time equivalent students enrolled in alternative learning experience courses or programs. The report shall separately identify alternative learning experience enrollment of students provided under contract pursuant to RCW 28A.150.305 and WAC 392-121-188.

(9) Documentation: In accordance with required records retention schedules, a school district claiming state funding for alternative learning experiences shall maintain the following written documentation available for audit:

(a) School board policy for alternative learning experiences pursuant to this section;

(b) Annual reports to the school district board of directors as required by subsection (2)(g) of this section;

(c) Annual reports to the superintendent of public instruction as required by subsection (8) of this section;

(d) The written student learning plans required by subsection (4) of this section, including documentation of required weekly direct personal contact;

(e) Student progress reviews, evaluations, and assessments required by subsection (6) of this section;

(f) Student enrollment detail substantiating full-time equivalent enrollment reported to the state, including estimated total hours of participation in educational activities, and any actual documentation of hours of learning for those students failing to make satisfactory progress; and

(g) Signed parent enrollment disclosure documents required by subsection (3)(e) of this section.

[Statutory Authority: RCW 28A.150.290 and 2005 c 356. 05-13-154, § 392-121-182, filed 6/21/05, effective 7/22/05. Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290. 99-08-008 (Order 99-01), § 392-121-182, filed 3/25/99, effective 4/25/99. Statutory Authority: RCW 28A.150.290. 95-18-097, § 392-121-182, filed 9/6/95, effective 10/7/95; 95-01-013, § 392-121-182, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.-290, 28A.150.250 and 28A.150.260. 91-02-096 (Order 50), § 392-121-182,

filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-182, filed 1/11/88.]

WAC 392-121-184 Running start program requirements. The provisions of this chapter shall govern the substantiation of claims for running start program basic education allocation moneys to the extent the provisions of this chapter supplement and do not conflict with the provisions of chapter 392-169 WAC.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-184, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.600.390. 91-08-038 (Order 91-07), § 392-121-184, filed 3/29/91, effective 4/29/91.]

WAC 392-121-187 Technical college direct-funded enrollment. Enrollment in a technical college pursuant to an interlocal agreement with a school district as provided in RCW 28B.50.533 may be counted as course of study generating state moneys payable directly to the technical college as provided in this section.

(1) The technical college shall submit a written request to the superintendent of public instruction and for each school district whose students are to be claimed by the college shall provide a copy of the interlocal agreement signed by the school district superintendent and the technical college president or authorized officials of the school district and college.

(2) The technical college shall report enrolled students monthly (October through June) to the superintendent of public instruction pursuant to this chapter and instructions provided by the superintendent. A separate report shall be submitted for each school district whose students are reported. Reports of students eligible for state basic education support shall show the total number of students served and total non-vocational and vocational FTE students on the monthly count date. Reports shall also show the name of each student, hours of enrollment per week on the monthly count date, and the nonvocational and vocational full-time equivalent reported for the student on the count date. Technical colleges claiming direct state handicapped funding under the interlocal agreement shall also report the number of enrolled handicapped students by handicapping category on the count dates of October through May pursuant to WAC 392-122-160 and chapter 392-171 WAC.

(3) The technical college shall report monthly to each school district whose students are served pursuant to this section. The report shall include at a minimum the data reported to the superintendent of public instruction pursuant to subsection (2) of this section.

(4) The technical college shall report only students who:

(a) Were under twenty-one years of age at the beginning of the school year;

(b) Are enrolled tuition-free;

(c) Are enrolled in a school district with which the technical college has a signed interlocal agreement on file with the superintendent of public instruction pursuant to subsection (1) of this section;

(d) Are enrolled in the school district for the purpose of earning a high school diploma or certificate; and

(e) Have actually participated in instructional activity at the technical college during the current school year.

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(5) Enrollments claimed for state basic education funding by the technical college:

(a) Shall be for courses for which the student is earning high school graduation credit through the school district or the technical college; and

(b) Shall not include:

(i) Enrollment which is claimed by the school district for state funding; or

(ii) Enrollment which generates state or federal moneys for higher education, adult education, or job training for the technical college.

(6) Full-time equivalent students reported by the technical college for state basic education funding shall be determined pursuant to WAC 392-121-106 through 392-121-183 except that the enrollment count dates shall be for the months of October through June. If a student is enrolled in courses provided by the school district as well as courses provided by the technical college, the combined full-time equivalents reported by the school district and the technical college are limited by WAC 392-121-136.

(7) The superintendent of public instruction shall make quarterly payments to the technical college as follows:

(a) Basic education allocations shall be determined pursuant to chapter 392-121 WAC based on average enrollments reported by the technical college for each school district times the average allocation per full-time equivalent high school student of the school district: Provided, That allocations for students enrolled in school districts with no more than two high schools with enrollments of less than three hundred annual average full-time equivalent students shall be at the incremental rate generated by students in excess of sixty annual average full-time equivalent students. Allocations for nonvocational and vocational full-time equivalent enrollments shall be calculated separately.

(b) Handicapped allocations shall be determined pursuant to WAC 392-122-100 through 392-122-165 based on average handicapped enrollments and the school district's average allocation per handicapped student in each handicapping category.

(c) Quarterly payments shall provide the following percentages of the annual allocation:

December	30%
March	30%
June	20%
August	20%

[Statutory Authority: RCW 28A.150.290. 94-17-096, § 392-121-187, filed 8/17/94, effective 9/17/94.]

WAC 392-121-188 Instruction provided under contract. School districts have general authority to contract for the services of individuals to provide instruction, subject to applicable state and federal laws and local collective bargaining agreements. School districts also have authority to enter into interdistrict cooperative agreements for instructional services with other school districts under RCW 28A.225.250. However, when a school district contracts with an entity other than a school district and that entity employs staff to provide basic education instruction claimed by the school district for state basic education funding, the requirements of this section also apply. Instruction provided by such an entity

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(hereafter called the contractor) may be counted as a course of study and claimed by the school district for state funding if the following requirements are met:

(1) The school district board of directors in accordance with RCW 28A.320.015 adopts a resolution that concludes it is in the best interest of the students to expand the options available by providing an appropriate basic education program pursuant to the contract and sets forth the rationale in support of the conclusion;

(2) The school district retains full responsibility for compliance with all state and federal laws;

(3) The contractor complies with all relevant state and federal laws that are applicable to the school district;

(4) The contractor provides instruction free of sectarian or religious influence or control.

(5) The contractor serves the students at no cost to the student for tuition and fees and enrollment is voluntary and no student or person is unlawfully excluded from participation on the grounds of race, creed, color, national origin, sex, marital status, or presence of any sensory, mental, or physical handicap;

(6) Each student is enrolled in the school district reporting the enrollment and each high school student is working toward course credits which satisfy high school graduation requirements;

(7) If the contractor is a state higher education institution, a state funded education center, or any other state funded entity, the contractor is not claiming enrollment of the student or receiving direct state support for the contracted instruction reported pursuant to this section.

(8) The curriculum is approved by the district;

(9) The contractor provides enrollment reports to the school district that comply with this chapter;

(10) The contractor maintains and has available for audit or review by the school district, state, or federal authorities documentation of enrollment, hours of instructional activity participated in by the students, personnel data, and financial data including all revenues and expenditures pertaining to the contract with the school district;

(11) If a contractor other than an institution of higher education at any time during the school year serves more than twenty-five students which equals more than one quarter of one percent (.0025) of the district's annual average full-time equivalent enrollment claimed for basic education funding the school district reports the certificated instructional employees of the contractor funded with any state moneys or federal moneys that flow through the school district as required by the SPI annual personnel reporting system for calculation of state funding, staff ratios and statistics;

(12) If the contract is with an entity other than an institution of higher education, for the students served pursuant to the contract, the contractor maintains a ratio of full-time equivalent certificated instructional staff serving the annual average full-time equivalent students reported for basic education funding pursuant to this section which is at least equal to the district's basic education funding ratio for the grade level of the students being reported for basic education funding pursuant to this section;

(13) The school district and contractor execute a written contract which is consistent with this section, and which sets

forth the duties of the contractor in detail sufficient to hold the contractor accountable to the school district;

(14) The school district and contractor establish a process for periodic on-site monitoring by the school district for compliance with this section and other terms of the contract between the school district and contractor;

(15) Contracts for services for students with disabilities shall comply with WAC 392-172-220 and 392-172-222;

(16) Full-time equivalent enrollment reported for students served under a contract with a higher education institution shall be based on the number of hours of instruction meeting the criteria in WAC 392-121-107 (1)(a) provided by staff of the higher education institution under the contract. This section does not apply to running start enrollment, which is governed by chapter 392-169 WAC; and

(17) When a school district contracts for an alternative learning experience program and the contractor exercises primary responsibility for the student's written learning plan, the program shall be for academically at-risk students and shall comply with RCW 28A.150.305. Enrollment in these programs shall be reported pursuant to WAC 392-121-182.

[Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290. 99-08-008 (Order 99-01), § 392-121-188, filed 3/25/99, effective 4/25/99. Statutory Authority: RCW 28A.150.290. 95-18-097, § 392-121-188, filed 9/6/95, effective 10/7/95; 95-01-013, § 392-121-188, filed 12/8/94, effective 1/8/95.]

CERTIFICATED INSTRUCTIONAL STAFF

WAC 392-121-200 Definition—Certificated employee. As used in this chapter, "certificated employee" means:

(1) A person who holds a professional education certificate issued by the superintendent of public instruction and who is employed by a school district in a position for which such certificate is required by statute, rule of the professional educator standards board, or written policy or practice of the employing school district; or

(2) A superintendent or a person hired to fill a position designated as, or which is, in fact, deputy superintendent or assistant superintendent.

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-200, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-200, filed 1/11/88.]

WAC 392-121-201 Definition—Contractor certificated employee. As used in this chapter, "contractor certificated employee" means a person who holds a professional education certificate issued by the superintendent of public instruction and who is employed by a contractor as defined in WAC 392-121-188 in a position for which such certificate is required.

[Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290. 99-08-008 (Order 99-01), § 392-121-201, filed 3/25/99, effective 4/25/99. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-201, filed 10/18/95, effective 11/18/95.]

WAC 392-121-205 Definition—District certificated instructional employee. As used in this chapter, "district certificated instructional employee" means any district certificated employee who is employed in whole or part as one or more of the following:

(1) An elementary, secondary or other teacher who instructs pupils in classes or courses;

(2) An educational staff associate who assists, evaluates, counsels, or instructs students in a manner consistent with the employee's educational staff associate certificate; or

(3) Other certificated staff assigned to the 300 or 400 series duty codes as defined in the S-275 personnel reporting instructions.

[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-205, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290.95-21-096 (Order 95-09), § 392-121-205, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-205, filed 1/11/88.]

WAC 392-121-206 Definition—Contractor certificated instructional employee. As used in this chapter, "contractor certificated instructional employee" means a contractor certificated employee who:

(1) Is employed by a contractor, pursuant to WAC 392-121-188, to serve students claimed for basic education funding by a school district; and

(2) Is employed as one or both of the following:

(a) An elementary, secondary or other teacher who instructs pupils in classes or courses; or

(b) An educational staff associate who assists, evaluates, counsels, or instructs students in a manner consistent with the employee's educational staff associate certificate.

[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-206, filed 11/1/02, effective 12/2/02. Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290.99-08-008 (Order 99-01), § 392-121-206, filed 3/25/99, effective 4/25/99. Statutory Authority: RCW 28A.150.290.95-21-096 (Order 95-09), § 392-121-206, filed 10/18/95, effective 11/18/95.]

WAC 392-121-210 Definition—Basic education certificated instructional employee. As used in this chapter, "basic education certificated instructional employee" means a district certificated instructional employee or a contractor certificated instructional employee assigned in whole or in part to the following programs as defined in the accounting manual for public school districts in the state of Washington:

(1) Basic education, program 01;

(2) Vocational, basic, state, program 31;

(3) Skills center, basic, state, program 45; and

(4) District-wide support, program 97.

[Statutory Authority: RCW 28A.150.290 [28A.150.290], 28A.505.140. 01-08-048, § 392-121-210, filed 3/30/01, effective 4/30/01. Statutory Authority: 1997 c 265 § 6 and RCW 28A.150.290.99-08-008 (Order 99-01), § 392-121-210, filed 3/25/99, effective 4/25/99. Statutory Authority: RCW 28A.150.290.95-21-096 (Order 95-09), § 392-121-210, filed 10/18/95, effective 11/18/95; 92-23-044 (Order 92-15), § 392-121-210, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-210, filed 1/11/88.]

WAC 392-121-212 Definition—Full-time equivalent (FTE) certificated instructional staff. As used in this chapter, "full-time equivalent (FTE) certificated instructional staff" means the number of staff units determined as follows:

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a certificated instructional employee for not less than 180 full work days shall be counted as one FTE.

(2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing that part of the day worked by the full day as determined by the district.

(3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing the number of work days contracted for by 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for by 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

(7) As used in this section, contracts to provide services as a certificated instructional employee shall exclude supplemental contract services as defined under RCW 28A.400.200 (4).

[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-212, filed 11/1/02, effective 12/2/02.]

WAC 392-121-215 Definition—Full-time equivalent (FTE) basic education certificated instructional staff. As used in this chapter, "full-time equivalent (FTE) basic education certificated instructional staff" means the number of staff units determined as follows:

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a basic education certificated instructional employee for not less than 180 full work days shall be counted as one FTE.

(2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to three decimal places obtained by dividing that part of the day worked by the full day as determined by the district.

(3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing the number of work days contracted for

by 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for to 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent basic education certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

(7) As used in this section, contracts to provide services as a basic education certificated instructional employee shall exclude supplemental contract services as defined under RCW 28A.400.200(4).

[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-215, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-215, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-215, filed 1/11/88.]

WAC 392-121-217 Definition—Institutional education certificated instructional employee—Full-time equivalent institutional education certificated instructional staff. As used in this chapter, "institutional education certificated instructional employee" and "full-time equivalent institutional education certificated instructional staff" means a certificated instructional employee and full-time equivalent of certificated instructional employees assigned to the following programs:

- (1) 26 Special Education—Institutions—State;
- (2) 56 State Institutions, Centers and Homes—Delinquent.

[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-217, filed 11/1/02, effective 12/2/02.]

WAC 392-121-220 Definition—S-275 reporting process. As used in this chapter, "S-275 reporting process" means the electronic personnel reporting process which is defined annually by the superintendent of public instruction.

This reporting process shall include individuals who are known as of October 1 to be:

- (1) District employees with a contract for certificated employment to provide services during the period September 1 through August 31;
- (2) Classified employees, employed by the district to provide services during the period September 1 through August 31; and
- (3) Contractor certificated instructional employees, contracted to provide services during the period September 1 through August 31.

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[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-220, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-220, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-220, filed 1/11/88.]

WAC 392-121-225 Definition—Report S-275. As used in this chapter, "Report S-275" means the alphabetic listing of certificated personnel employed by a school district on October 1 as prepared by the superintendent of public instruction from data submitted by the district through the S-275 reporting process for the school year.

[Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-225, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-225, filed 1/11/88.]

WAC 392-121-249 Definition—Regionally accredited institution of higher education. As used in this chapter, "regionally accredited institution of higher education" means the same as defined in WAC 181-78A-010(6).

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-249, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-249, filed 12/22/93, effective 1/22/94.]

WAC 392-121-250 Definition—Highest degree level. As used in this chapter, the term "highest degree level" means:

- (1) The highest degree earned by the employee from a regionally accredited institution of higher education;
- (2) "Nondegreed" for a certificated instructional employee who holds no bachelor's or higher level degree; or
- (3) "Nondegreed" for a certificated instructional employee who holds a valid vocational/career and technical education certificate acquired as the result of industrial experience rather than college training, and who has a degree earned from a regionally accredited institution of higher education prior to the issue of the initial vocational/career and technical education certificate, which is incidental to or not related to the vocational/career and technical education certificate.

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-250, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-250, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-250, filed 1/11/88.]

WAC 392-121-255 Definition—Academic credits. As used in this chapter, "academic credits" means credits determined as follows:

- (1) Credits are earned after the awarding or conferring of the employee's first bachelor's degree;
- (2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter;
- (3) Credits are earned from a regionally accredited institution of higher education: Provided, That credits, determined eligible pursuant to subsections (1), (2), (4) and (6) of this section, earned from any other accredited community

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college, college, or university and reported on Form S-275 on or before December 31, 1992, shall continue to be reported;

(4) Credits are transferrable or applicable to a bachelor's or more advanced degree program: Provided, That for educational courses which are the same or identical no more credits for that educational course than are transferrable or applicable to a bachelor's or more advanced degree program at that institution shall be counted;

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262;

(6) Credits are not counted as in-service credits pursuant to WAC 392-121-257 or nondegree credits pursuant to WAC 392-121-259;

(7) The number of credits equals the number of quarter hours, units or semester hours each converted to quarter hours earned pursuant to this section; and

(8) Accumulate credits rounded to one decimal place.

[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-255, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-255, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-255, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-255, filed 1/11/88.]

WAC 392-121-257 Definition—In-service credits. As used in this chapter, "in-service credits" means credits determined as follows:

(1) Credits are earned:

(a) After August 31, 1987; and

(b) After the awarding or conferring of the employee's first bachelor's degree.

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.

(3) Credits are earned in either:

(a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the professional educator standards board pursuant to the standards in WAC 181-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415-040; or

(b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the professional educator standards board pursuant to chapter 181-85 WAC.

(4) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(6) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.

(7) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 181-85-030 equal one in-service credit.

(8) Each forty hours of participation in an approved internship with a business, industry, or government agency

pursuant to chapter 181-83 WAC equals one in-service credit.

(a) No more than two in-service credits may be earned as a result of an internship during any calendar-year period.

(b) Each individual is limited to a maximum of fifteen in-service credits earned from internships.

(9) Accumulate credits rounded to one decimal place.

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-257, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-257, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-257, filed 11/5/97, effective 12/6/97. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-257, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-257, filed 12/22/93, effective 1/22/94. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-257, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-257, filed 1/11/88.]

WAC 392-121-259 Definition—Nondegree credits.

As used in this chapter, "nondegree credits" means credits recognized for nondegree certificated instructional employees as follows:

(1) Zero credits shall be recognized for persons holding a valid certificate other than a certificate included in subsection (2) or (3) of this section.

(2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.

(3) Persons holding valid vocational/career and technical education certificates as provided for in chapter 181-77 WAC shall accumulate recognized credits as follows:

(a) One credit for each one hundred clock hours of occupational experience as defined in WAC 181-77-003(7) such that each calendar year is limited to a maximum of twenty credits. Clock hours of occupational experience used in determining nondegree credits must be earned after meeting the minimum vocational/career and technical education certification requirements as established in WAC 181-77-041 (1)(a).

(b) One credit for each ten clock hours of vocational/career and technical education educator training meeting the requirements of WAC 181-77-003 (2), (9), or (12). Clock hours of vocational/career and technical education educator training used in determining nondegree credits must be earned after meeting the minimum vocational/career and technical education certification requirements as established in WAC 181-77-041 (1)(b) and (c).

(4) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(5) Accumulate credits rounded to one decimal place.

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-259, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-259, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-259, filed 11/5/97, effective 12/6/97. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-259, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-259, filed 12/22/93, effective 1/22/94.]

WAC 392-121-261 Definition—Total eligible credits.

As used in this chapter, "total eligible credits" means the total number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum:

(a) Academic and in-service credits; and

(b) Nondegree credits, determined pursuant to WAC 392-121-259 and reported on Report S-275 prior to the awarding of the bachelor's degree for vocational/career and technical education instructors who obtain a bachelor's degree while employed in the state of Washington as a non-degreed vocational/career and technical education instructor.

(2) For an employee whose highest degree is a master's degree, sum:

(a) Academic and in-service credits in excess of forty-five earned after the awarding or conferring of the bachelor's degree and prior to the awarding or conferring of the master's degree; and

(b) Academic and in-service credits earned after the awarding or conferring of the master's degree.

(3) For a nondegreed employee sum only nondegree credits.

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-261, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-261, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-261, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 90-13-088 (Order 15), § 392-121-261, filed 6/20/90, effective 7/21/90.]

WAC 392-121-262 Definition—Additional criteria for all credits. Credits earned after September 1, 1995, must satisfy the following criteria in addition to those found in WAC 392-121-255, 392-121-257, and 392-121-259:

(1) At the time credits are recognized by the school district the content of the course must meet at least one of the following:

(a) It is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) It pertains to the individual's current assignment or expected assignment for the following school year;

(c) It is necessary for obtaining endorsement as prescribed by the Washington professional educator standards board;

(d) It is specifically required for obtaining advanced levels of certification;

(e) It is included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff; or

(f) It addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under RCW 28A.150.210, as applicable and appropriate for individual certificated instructional staff;

(2) Credits which have been determined to meet one or more of the criteria in subsection (1) of this section shall continue to be recognized in subsequent school years and by subsequent school district employers; and

(3) Credits not recognized in a school year may be recognized in a subsequent school year if there is a change in the qualifying criteria such as a change in professional educator standards board rules, a change in the district's strategic plan, a change in the school-based plan for the school in which the individual is assigned, a change in the individual's assignment, or a change in the individual's employer.

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-262, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290 (1) and 28A.415.023. 05-22-008, § 392-121-262, filed 10/20/05, effective 1/1/06. Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-262, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-262, filed 11/5/97, effective 12/6/97. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-262, filed 10/18/95, effective 11/18/95.]

WAC 392-121-264 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country. School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule.

(1) Professional education employment shall be limited to the following:

(a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

(i) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205 RCW;

(ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred and which, for the state of Washington, refers to the certificates authorized by WAC 181-79A-140 and temporary permits authorized by WAC 181-79A-128;

(b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in Washington school districts;

(c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

(d) Experience in the following areas:

(i) Military, Peace Corps, or Vista service which interrupted professional education employment included in (a), (b), or (c) of this subsection; and

(ii) Sabbatical leave.

(e) For nondegreed vocational/career and technical education instructors, up to a maximum of six years of management experience as defined in WAC 181-77-003 acquired after the instructor meets the minimum vocational/career and

technical education certification requirements established in WAC 181-77-041 (1)(a). If a degree is obtained while employed in the state of Washington as a nondegreed vocational/career and technical education instructor, the eligible years of management experience pursuant to this subsection reported on Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of hours per year for an employee working full-time with each employer;

(ii) Determine the number of hours per year with each employer excluding unpaid leave;

(iii) Calculate the quotient of the hours determined in (a)(ii) of this subsection divided by the hours in (a)(i) of this subsection rounded to two decimal places for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 rounded to two decimal places for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years rounded to one decimal place.

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-264, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, amended and recodified as § 392-121-264, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-245, filed 11/5/97, effective 12/6/97. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-245, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-245, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-245, filed 1/11/88.]

WAC 392-121-266 Definition—LEAP salary allocation documents. As used in this chapter, "LEAP salary allocation documents" means the computerized tabulations prepared by the legislative evaluation and accountability program (LEAP) and identified in the state Operating Appropriations Act as part of the formula for determining average salaries for the purpose of allocating state moneys to school districts.

[Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-266, filed 11/16/92, effective 12/17/92.]

[Title 392 WAC—p. 74]

WAC 392-121-270 Placement of certificated instructional employees on LEAP salary allocation documents. Each certificated instructional employee shall be placed on LEAP salary allocation documents based on the employee's highest degree level, total eligible credits, and certificated years of experience each defined in this chapter provided that:

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegreed shall be placed on the BA columns except that such persons holding valid vocational/career and technical education certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational/career and technical education instructor who obtains a bachelor's degree while employed in the state of Washington as a nondegreed vocational/career and technical education instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on Report S-275 prior to the awarding of that bachelor's degree shall continue to be placed on the MA + 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on LEAP salary allocation documents, total eligible credits and certificated years of experience shall be rounded to the nearest whole number. One-half credit or year shall be rounded to the next highest credit or year.

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-270, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-270, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-270, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-270, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-270, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-270, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 90-13-088 (Order 15), § 392-121-270, filed 6/20/90, effective 7/21/90; 88-03-013 (Order 88-8), § 392-121-270, filed 1/11/88.]

WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required. School districts shall have documentation on file and available for review which substantiates each certificated instructional employee's placement on LEAP salary allocation documents. The minimum requirements are as follows:

(1) Districts shall document the date of awarding or conferring of the highest degree including the date upon which the degree was awarded or conferred as recorded on the diploma or transcript from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

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(b) If the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, a written statement from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(c) If the degree program was completed in a country other than the United States documentation must include a written statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction.

(2) Districts shall document academic credits by having on file a transcript from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the transcript: Provided, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255(4) subject to the limitations of that same subsection;

(c) Credits are not deemed "earned" at an institution of higher education which transfers-in credits. Such credits must be documented using a transcript from the initial granting institution and are subject to all the limitations of WAC 392-121-255;

(d) If the credits were completed in a country other than the United States, documentation must include a written statement of credit equivalency for the appropriate credits from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction; and

(e) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(3) Districts shall document in-service credits;

(a) By having on file a document meeting standards established in WAC 181-85-107; and

(b) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(4) Districts shall document nondegree credits.

(a) For vocational/career and technical education educator training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC 181-85-107 and evidence that the training was authorized pursuant to WAC 181-77-003 (2), (9), or (12).

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC 181-77-003(7);

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(c) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(5) Districts shall document certificated years of experience as follows:

(a) For certificated years of experience obtained and reported on Report S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on Report S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of hours per year for an employee working full-time with each employer;

(ii) The number of hours per year and dates of employment with each employer excluding unpaid leave: Provided, That documentation of hours in excess of one full-time certificated year of experience in any twelve-month period is not required;

(iii) The quotient of the hours determined in (b)(ii) of this subsection divided by the hours in (b)(i) of this subsection rounded to two decimal places for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC 392-121-264 (1)(a), evidence whether or not the position required professional education certification pursuant to WAC 392-121-264 (1)(a)(ii);

(vi) For those counting experience pursuant to WAC 392-121-264 (1)(b), a brief description of the previous employment which documents the school district's decision that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC 392-121-264 (1)(e), evidence that the experience meets the requirements of WAC 181-77-003(6).

(6) Any documentation required by this section may be original or copies of the original: Provided, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees, credits, or experience by an education practitioner as defined in WAC 181-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC 181-87-050. In such an event the provisions of chapters 181-86 and 181-87 WAC shall apply.

[Statutory Authority: RCW 28A.150.290(1). 06-19-045, § 392-121-280, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-280, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-280, filed 11/5/97, effective 12/6/97. Statutory Authority: RCW

28A.150.290. 95-21-096 (Order 95-09), § 392-121-280, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-280, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-280, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-280, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-280, filed 1/11/88.]

WAC 392-121-295 Definition—District average certificated instructional staff mix factor. As used in this chapter, "district average certificated instructional staff mix factor" means the number rounded to five decimal places determined as follows:

(1) Assign a staff mix factor to each certificated instructional employee excluding institutional education employees by placing the employee on the appropriate LEAP salary allocation document pursuant to WAC 392-121-270;

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent certificated instructional employee pursuant to WAC 392-121-212 excluding only full-time equivalent institutional education staff;

(3) Sum the results obtained in subsection (2) of this section for all certificated instructional employees of the school district excluding institutional education employees; and

(4) Divide the result by the district's total full-time equivalent certificated instructional staff excluding full-time equivalent institutional education staff.

(5) For the purpose of this section certificated instructional staff are those employed by the school district as of October 1 of the school year as reported to the superintendent of public instruction on Report S-275.

[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-295, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-295, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-295, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-295, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-295, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-295, filed 1/11/88.]

WAC 392-121-299 Determination of district average certificated instructional staff salary for the purpose of apportionment. Each school district's average certificated instructional staff salary for the purpose of apportioning state general fund moneys to school districts pursuant to RCW 28A.150.250 and 28A.150.260 shall be determined by the superintendent of public instruction as provided in the biennial Operating Appropriations Act using definitions and procedures provided in this chapter.

[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-299, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-299, filed 1/2/91, effective 2/2/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-299, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-299, filed 1/11/88.]

APPORTIONMENT

WAC 392-121-400 Apportionment of basic education moneys. From the basic education moneys appropriated to the superintendent of public instruction, the superintendent shall allocate moneys as follows:

(1) Allocations shall be made pursuant to chapter 28A.150 RCW, the state Operating Appropriations Act, and this chapter.

(2) Allocations shall be made in twelve monthly payments during the school year pursuant to RCW 28A.510.250 to each school district operating a program approved by the state board of education.

(a) Initial monthly payments shall be based on estimates of such data as the superintendent of public instruction deems necessary to commence payment for the school year, such estimates to be submitted by school districts to the educational service districts or superintendent of public instruction on forms provided by the superintendent of public instruction. The latest date on which a school district may make changes in these data shall be the date on which the school district files its budget with the educational service district.

(b) As the school year progresses, monthly payments to school districts shall be adjusted to reflect actual full-time equivalent students enrolled, district average certificated instructional staff salary for purpose of apportionment, other school district characteristics, deductible revenues and such other data as are deemed necessary by the superintendent and reported by school districts and other governmental agencies on forms provided or approved by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget. 02-22-065, § 392-121-400, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-400, filed 11/16/92, effective 12/17/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-400, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-400, filed 1/11/88.]

WAC 392-121-415 Basic education allocation—Deductible revenues. In addition to those funds appropriated by the legislature for basic education allocation purposes, the following locally available general fund revenues shall be included in the computation of the total annual basic education allocation of each school district pursuant to RCW 28A.150.250 and 28A.150.260 and shall be deducted from payments made pursuant to WAC 392-121-400:

(1) Proceeds from the sale, rental or lease of stone, minerals, timber, forest products, other crops and matter, and improvements from or on tax title real property managed by a county pursuant to RCW 36.35.040;

(2) Proceeds from state forests pursuant to RCW 76.12.030 and 76.12.120;

(3) Federal in lieu of tax payments made pursuant to RCW 84.72.020; and

(4) Proceeds from the sale of lumber, timber, and timber products on military reservations or facilities in accordance with U.S.C. §2665, Title 10, and P.L. 97-99.

(5) Local in lieu of tax payments including but not limited to payments made pursuant to RCW 35.82.210, 35.83.-040, and 79.66.100.

Otherwise deductible revenues from any of the foregoing sources received by a school district due solely to the district's levy of a capital projects fund or debt service fund excess tax levy shall constitute nongeneral fund revenues and shall not be deducted in the computation of the district's annual basic education allocation for that school year.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-121-415, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 89-16-015 (Order 89-04), § 392-121-415, filed 7/21/89, effective 8/21/89. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-415, filed 1/11/88.]

WAC 392-121-420 Basic education allocation—Federal forest funds. The superintendent of public instruction shall [distribute] [allocate] federal forest fund[s pursuant] [moneys received under Title 16, section 500, United States Code and shall adjust basic education allocations in accordance with] to RCW 28A.520.020 and 28A.150.250[: Provided, That allocations of federal forest fund moneys received for school districts in Skamania County pursuant to Title 16, section 500, United States Code and section 8 of Public Law 97-243, the Mt. St. Helens National Volcanic Monument Act, and adjustments to basic education allocations for these school districts, shall be made pursuant to the Judgment and Decree entered by the United States District Court, Western District of Washington at Tacoma, on September 26, 1989, in cause number C87-676TB].

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-121-420, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 90-12-079 (Order 11), § 392-121-420, filed 6/1/90, effective 7/2/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-420, filed 1/11/88.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 392-121-425 Basic education allocation during strike. Unless a school district's program is disapproved in accordance with WAC 180-16-162 through 180-16-164, basic education allocations shall continue for the period of a strike.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-425, filed 1/11/88.]

WAC 392-121-430 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. For the purpose of this chapter, a school district's scheduled kindergarten and grade one through twelve programs shall be considered collectively. The total program of a district may not be subdivided for the purpose of applying program approval standards. Those school days which are conducted during the period of a strike following transmittal of a notice of disapproval shall be discounted for state basic education entitlement purposes at the rate of one hundred-eightieth of the district's basic education entitlement for the school year per school day: Provided, That kindergarten and grade one through twelve programs shall be considered separately for the purpose of computing compliance with minimum school day requirements and any loss of basic education entitlement.

(2007 Ed.)

[Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-430, filed 1/11/88.]

WAC 392-121-435 Transfer of basic education allocation. The board of directors of a school district may request the superintendent of public instruction to pay a portion of the district's basic education allocation to another school district or an educational service district. The request must be submitted on Form 1324 and must state the dollar amount of the transfer. The board can modify the dollar amount of the transfer by submitting another Form 1324 to the superintendent of public instruction. Unless the form requesting a transfer states a timeline for making the transfer, the superintendent of public instruction shall execute the transfer pursuant to the provisions of WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290, 96-03-001, § 392-121-435, filed 1/3/96, effective 2/3/96.]

WAC 392-121-436 Emergency advance payments—School district application. The board of directors of a school district may apply for any emergency advance on the school district's basic education allocation. The application shall take the form of a resolution adopted by the board of directors setting forth the following:

- (1) The nature of the unforeseen condition requiring the advance;
- (2) The amount requested to be advanced;
- (3) The net cash and investment balance of the general fund as of the date of the resolution;
- (4) A forecast of the general fund receipts, disbursements, and net cash and investment balance for each month remaining in the fiscal year; and
- (5) A disclosure of any existing or planned general fund revenue anticipation notes.
- (6) A disclosure of any existing or planned general fund loan to or from another fund of the school district.

[Statutory Authority: RCW 28A.150.400 and 28A.150.290, 90-19-040 (Order 28), § 392-121-436, filed 9/13/90, effective 10/14/90.]

WAC 392-121-438 Emergency advance payments—Approval criteria. The superintendent of public instruction shall approve requests for an emergency advance if the following conditions are met:

- (1) The unforeseen condition causing the need for the emergency advance could not have been anticipated by a reasonably prudent person.
- (2) It is probable that if the emergency advance is not made that the school district will be on:
 - (a) An interest-bearing, warrant-issuing basis within two months following the receipt of the resolution; and
 - (b) Warrant interest for at least three months from September through June.
- (3) The school district shall not have:
 - (a) Cash investments of the general fund during the months it estimates that it would pay warrant interest except for the emergency advance; or
 - (b) Inter-fund loans from the general fund to any other funds during the months it estimates that it would pay warrant interest; or
 - (c) Any existing or anticipated general fund revenue anticipated notes.

[Statutory Authority: RCW 28A.150.400 and 28A.150.290. 90-19-040 (Order 28), § 392-121-438, filed 9/13/90, effective 10/14/90.]

WAC 392-121-440 Emergency advance payments—Determination of amount. The superintendent of public instruction shall calculate the emergency advance on the school district's basic education allocation as the lessor of:

(1) The amount set forth in the school district's resolution;

(2) An amount not to exceed ten percent of the total amount to become due and apportionable to the district from September 1 through August 31 of the school year.

(3) The highest negative monthly cash and investment balance of the general fund between the date of the resolution and May 31st of the school year less any redirection of a school district's basic education allocation to the capital projects fund, debt service fund, or both.

[Statutory Authority: RCW 28A.150.400 and 28A.150.290. 90-19-040 (Order 28), § 392-121-440, filed 9/13/90, effective 10/14/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-440, filed 1/11/88.]

WAC 392-121-442 Emergency advance payments—Forfeiture of earnings on emergency advance. The superintendent of public instruction shall deduct from a school district's basic education allocation apportionment entitlement the amount of any earnings by the school district on the investment of a temporary cash surplus due to a previously obtained emergency advance.

[Statutory Authority: RCW 28A.150.400 and 28A.150.290. 90-19-040 (Order 28), § 392-121-442, filed 9/13/90, effective 10/14/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-442, filed 1/11/88.]

WAC 392-121-443 Emergency advance payments—Repayment of advances. Repayments of advances will be accomplished by a reduction in the school district's apportionment payments on or before June in the current school year.

[Statutory Authority: RCW 28A.150.400 and 28A.150.290. 90-19-040 (Order 28), § 392-121-443, filed 9/13/90, effective 10/14/90.]

WAC 392-121-445 Procedure for crediting portion of basic education allocation for capital purposes in school districts. If a local school district board of directors wishes to direct a portion of the district's annual basic education allocation to the school district's capital projects fund or debt service fund pursuant to RCW 28A.150.270, the district board shall execute a resolution requesting the superintendent of public instruction to approve the transfer of a portion of that allocation to the district's capital projects fund and/or debt service fund. Such board resolutions shall specify the justification in detail and the dollar amount to be transferred to the capital projects fund and/or debt service fund. Such resolution should be received by the superintendent of public instruction on or before the tenth of the month when the transfer to the capital projects fund and/or debt service fund is to begin. Such moneys transferred to either of these funds pursuant to this section cannot be subsequently transferred to the credit of another fund.

Resolutions requesting the superintendent of public instruction to approve the transfer of a portion of the district's

basic education allocation to the capital projects fund and/or the debt service fund will not be given by the superintendent of public instruction if the loss of general fund revenue to the district will result in an out-of-balance general fund budget. Any school district that would have an out-of-balance general fund budget after the potential loss of general fund revenue which would result from such a transfer of revenue shall revise the general fund budget document to be in balance following appropriate budget modification or extension procedures in order for the superintendent of public instruction to approve the resolution. A budget modification or extension may be necessary for the capital projects fund and/or debt service fund.

Upon approval of the resolution by the superintendent of public instruction, operating transfer(s) will be authorized from the general fund to the capital projects fund and/or debt service fund.

[Statutory Authority: RCW 28A.150.270. 93-04-054 (Order 93-01), § 392-121-445, filed 1/28/93, effective 2/28/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-445, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-445, filed 1/11/88.]

WAC 392-121-460 Fire district allocation. In addition to those moneys distributed for basic education purposes, school districts are entitled per RCW 52.30.020 to be reimbursed for moneys expended for the purchase of fire protection services from fire protection districts. Only school plants located in a fire protection district established pursuant to Title 52 RCW shall be eligible for such moneys.

Payment to districts shall be made each July as a part of the monthly apportionment allocation.

The headcount enrollment used to compute each district's reimbursement will be as of October 1 of the school year for which the allocation is being made. The count shall be entered on forms provided to school districts by the superintendent of public instruction.

Any moneys allocated to school districts for the purpose stated in this rule and not used for this purpose shall be recovered by the superintendent of public instruction from a district's monthly apportionment allocation.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-460, filed 1/11/88.]

WAC 392-121-465 Formula for and distribution of state moneys for the state incentive grants for increased enrollment in vocational skills centers program. The purpose of this section is to establish policies and procedures for the calculation and distribution of state incentive moneys to school districts increasing their enrollments in vocational skills centers.

(1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term is defined in WAC 392-121-133(1).

(2) Enrollment used in this calculation shall be the AAFTE reported in the form and by the deadline required by the superintendent of public instruction.

(3) A district's state incentive grants for increased enrollment in vocational skills centers shall be calculated as follows:

(a) Determine the increase in the vocational skill center AAFTE of the resident district from the base year of 2004-05 to the current year;

(b) Multiply the number of students obtained in (a) of this subsection by the per pupil allocation established and subject to the limitations in the State Operating Appropriations Act in effect at the time the apportionment is due; and

(c) The product is the district's annual incentive payment.

(4) As provided in the State Operating Appropriations Act in effect at the time apportionment is due, money appropriated but not spent in subsection (3) of this section shall be distributed to skills centers for increased capacity of summer vocational programs. The allocation methodology shall be based upon the skills center full-time equivalent reported enrollment from the prior October 1.

(5) The superintendent of public instruction shall apportion to districts for the state incentive grants for increased enrollment in vocational skills centers the amount calculated per district in this section in June of each year commencing June 2006.

[Statutory Authority: RCW 28A.150.290. 06-17-141, § 392-121-465, filed 8/22/06, effective 9/22/06; 05-19-138, § 392-121-465, filed 9/21/05, effective 10/22/05.]

WITHHOLDING FOR REPAYMENT OF FEDERAL MONIES

WAC 392-121-500 Withholding for repayment of federal moneys—Applicable provisions. The provisions of WAC 392-121-500 through 392-121-545 apply to the withholding of basic education allocations pursuant to chapter 103, Laws of 1990 to facilitate repayment of school district expenditures to the federal government pursuant to WAC 392-115-090 or a federal audit resolution process.

[Statutory Authority: RCW 28A.150.290. 91-14-038 (Order 91-10), § 392-121-500, filed 6/26/91, effective 7/27/91. Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-500, filed 3/7/91, effective 4/7/91.]

WAC 392-121-505 Withholding for repayment of federal moneys—Definition—Disallowed costs. As used in WAC 392-121-500 through 392-121-545, "disallowed costs" means the same as defined in WAC 392-115-055.

[Statutory Authority: RCW 28A.150.290. 91-14-038 (Order 91-10), § 392-121-505, filed 6/26/91, effective 7/27/91. Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-505, filed 3/7/91, effective 4/7/91.]

WAC 392-121-510 Withholding for repayment of federal moneys—Definition—Management decision letter. As used in WAC 392-121-500 through 392-121-545, "management decision letter" means the same as defined in WAC 392-115-070.

[Statutory Authority: RCW 28A.150.290. 91-14-038 (Order 91-10), § 392-121-510, filed 6/26/91, effective 7/27/91. Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-510, filed 3/7/91, effective 4/7/91.]

WAC 392-121-515 Withholding for repayment of federal moneys—Definition—Acceptable repayment plan. As used in WAC 392-121-500 through 392-121-545,

"acceptable repayment plan" means a plan agreed to by the superintendent of public instruction for repayment of disallowed costs plus accrued interest as determined by the federal government.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-515, filed 3/7/91, effective 4/7/91.]

WAC 392-121-520 Withholding for repayment of federal moneys—Definition—Substantial impairment. As used in WAC 392-121-500 through 392-121-545, "substantial impairment" means that after reducing the school district's current school year basic education allocation by the amount of disallowed costs plus accrued interest the school district is likely to incur a negative unreserved general fund balance as of August 31 of the current school year and is unlikely to be able to balance the school district general fund budget for the ensuing school year without requesting the superintendent of public instruction for permission to budget receivables pursuant to WAC 392-123-060.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-520, filed 3/7/91, effective 4/7/91.]

WAC 392-121-525 Withholding for repayment of federal moneys—Determination of substantial impairment. If any school district does not repay disallowed costs plus accrued interest or commit to an acceptable repayment plan within thirty calendar days of issuance of the management decision letter, the superintendent of public instruction shall determine if substantial impairment exists.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-525, filed 3/7/91, effective 4/7/91.]

WAC 392-121-530 Withholding for repayment of federal moneys—Notice of substantial impairment. If the superintendent of public instruction determines pursuant to WAC 392-121-525 that substantial impairment exists, the superintendent of public instruction shall notify the school district in writing that:

(1) No withholding shall occur until such time as substantial impairment no longer exists;

(2) Unless the school district repays disallowed costs plus accrued interest or agrees to an acceptable repayment plan, the superintendent of public instruction, at least once every twelve months, or sooner at the request of the school district, shall determine if substantial impairment exists pursuant to WAC 392-121-525; and

(3) Interest will continue to accrue until the amount of disallowed costs plus accrued interest are repaid to the federal government.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-530, filed 3/7/91, effective 4/7/91.]

WAC 392-121-535 Withholding for repayment of federal moneys—Notice of intent to withhold basic education allocations. If the superintendent of public instruction determines pursuant to WAC 392-121-525 that substantial impairment does not exist, the superintendent of public instruction shall notify the school district in writing of intent to withhold basic education allocations.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-535, filed 3/7/91, effective 4/7/91.]

WAC 392-121-540 Withholding for repayment of federal moneys—Withholding of basic education allocations. If the school district does not repay disallowed costs plus accrued interest or commit to an acceptable repayment plan within thirty calendar days of the notice provided pursuant to WAC 392-121-535, the superintendent of public instruction shall withhold from the school district's next basic education apportionment payment an amount equal to the disallowed costs plus accrued interest. After the initial withholding the superintendent of public instruction shall withhold amounts for additional interest accruing on disallowed costs.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-540, filed 3/7/91, effective 4/7/91.]

WAC 392-121-545 Withholding for repayment of federal moneys—Payment of withheld basic education allocations. Moneys withheld pursuant to WAC 392-121-540 shall be restored to the school district or paid to the federal government as provided in this section.

(1) If the school district repays disallowed costs plus accrued interest to the federal government or commits to an acceptable repayment plan before the close of the state biennium in which withholding occurred the superintendent of public instruction shall restore withheld moneys to the school district's basic education allocation.

(2) If the school district does not repay or commit to repay pursuant to subsection (1) of this section, the superintendent of public instruction shall request the legislature for reappropriation of basic education moneys for the purpose of repaying the federal government. The requested reappropriation shall include amounts for interest accruing on disallowed costs up to the anticipated date of repayment to the federal government.

(3) Upon reappropriation of moneys pursuant to subsection (2) of this section, the superintendent of public instruction shall pay an amount equal to the disallowed costs plus accrued interest to the federal government.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-545, filed 3/7/91, effective 4/7/91.]

VOCATIONAL INDIRECT COST LIMIT

WAC 392-121-570 Vocational indirect cost limit—Applicable code provisions—Purpose—Effective date. (1) WAC 392-121-570 through 392-121-578 define the fifteen percent limit on indirect cost charges to school district state-funded vocational-secondary programs as required by the Biennial Operating Appropriations Act. These rules do not apply to federal vocational funding which is governed by federal policies.

(2) The purpose of these sections is to assure that state allocations for vocational education are expended by school districts to support state vocational programs. The minimum levels defined here are not to be construed as recommended expenditure levels.

(3) These sections are effective for the 2002-03 school year and thereafter.

[Title 392 WAC—p. 80]

[Statutory Authority: 2002 c 371 § 502(2) and RCW 28A.150.290. 04-01-058, § 392-121-570, filed 12/11/03, effective 1/11/04.]

WAC 392-121-571 Vocational indirect cost limit—Definitions. As used in WAC 392-121-570 through 392-121-578:

(1) "Program 31" means the vocational-basic-state program as defined in the *Accounting Manual for Public School Districts in the State of Washington*.

(2) "Basic allocation for vocational students" means the amount of money generated by a school district's vocational full-time equivalent enrollment in the general apportionment formula using the state funding formula factors including the grade 4-12 staffing ratios without enhancement, and using the district's average certificated instructional staff mix factor for program 31 staff from the district's S-275 personnel report.

(3) "Enhancement allocation for vocational students" means the additional money above the basic allocation for vocational students generated by a school district's vocational full-time equivalent enrollment as a result of the enhanced state vocational staffing ratio and enhanced nonemployee related cost allocation for vocational students. This enhancement shall be calculated using the district's average certificated instructional staff mix factor for program 31.

(4) "Vocational running start allocation" means the amount generated in the general apportionment formula by a school district's running start students enrolled in vocational courses in a community or technical college pursuant to chapter 392-169 WAC.

[Statutory Authority: 2002 c 371 § 502(2) and RCW 28A.150.290. 04-01-058, § 392-121-571, filed 12/11/03, effective 1/11/04.]

WAC 392-121-573 Vocational indirect cost limit—Calculation of minimum program 31 expenditures. Each school district's minimum program 31 expenditures equal the sum of the following amounts:

(1) Eighty-five percent of the total basic and vocational enhancement allocations for vocational students;

(2) Ninety-three percent of the vocational running start allocation; plus

(3) Any carryover from the prior school year allowed under WAC 392-121-578.

[Statutory Authority: 2002 c 371 § 502(2) and RCW 28A.150.290. 04-01-058, § 392-121-573, filed 12/11/03, effective 1/11/04.]

WAC 392-121-574 Vocational indirect cost limit—Preliminary notice to school districts below the minimum expenditure level. (1) After the close of the school year, and before December 31, the superintendent of public instruction shall compare each school district's program 31 expenditures for the school year as reported on the district's Report F-196 annual year end financial statements to the district's minimum program 31 expenditures.

(2) If a district's program 31 expenditures are less than the minimum, then the superintendent shall notify the district of the results of the calculation including any potential recovery of state funding.

[Statutory Authority: 2002 c 371 § 502(2) and RCW 28A.150.290. 04-01-058, § 392-121-574, filed 12/11/03, effective 1/11/04.]

(2007 Ed.)

WAC 392-121-576 Vocational indirect cost limit—School district requests for review and adjustment. (1) After receiving notice of the preliminary notice pursuant to WAC 392-121-574, and before the ensuing January 15, a school district may request review and adjustment to the superintendent's calculations. The request shall be in a form prescribed by the superintendent of public instruction and shall be signed by the school district superintendent or the superintendent's designee.

(2) Grounds for review and adjustment include:

(a) Errors in the calculation; or

(b) Inaccurate school district data used in the calculation.

(3) A district requesting review and adjustment due to inaccurate school district data shall submit corrected data pursuant to the superintendent's instructions.

(4) The superintendent of public instruction shall correct any errors in the calculations or revise the school district data used in the calculations as appropriate.

[Statutory Authority: 2002 c 371 § 502(2) and RCW 28A.150.290. 04-01-058, § 392-121-576, filed 12/11/03, effective 1/11/04.]

WAC 392-121-578 Vocational indirect cost limit—Recovery of state allocations. (1) At the time of the January apportionment calculations after the close of the school year, the superintendent of public instruction shall recalculate each school district's minimum direct expenditures.

(2) If the district's program 31 expenditures are below the minimum program 31 expenditure amount, the district shall be allowed to carry over into the ensuing school year an amount equal to up to ten percent of the minimum expenditure amount excluding any carryover from the prior school year.

(3) The superintendent of public instruction shall recover from the district's general apportionment allocation as a prior year adjustment an amount equal to the lesser of the district's enhancement allocation for vocational students or the following amount:

(a) The district's minimum program 31 expenditures; minus

(b) The district's program 31 expenditures plus any allowable carryover.

(2) Recoveries made pursuant to this section shall be adjusted after the January apportionment calculation if revised enrollment, staff mix, or expenditure data submitted by the district and accepted by the superintendent of public instruction materially affects the district's recovery amount.

[Statutory Authority: 2002 c 371 § 502(2) and RCW 28A.150.290. 04-01-058, § 392-121-578, filed 12/11/03, effective 1/11/04.]

Chapter 392-122 WAC

FINANCE—CATEGORICAL APPORTIONMENT

WAC

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392-122-900 General provision—Indirect cost limitations, carryover limitations and recoveries.

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-122-115 Definition—State handicapped program—Handicapped program classified derived base salary. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-115, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-115, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.

392-122-125 State handicapped program—Handicapped program classified derived base salary. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-125, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-125, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.

392-122-207 Definition—State institutional education program—Residential institution. [Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-207, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-207, filed 1/10/92, effective 2/10/92.] Repealed by 01-24-002, filed 11/21/01, effective 12/22/01. Statutory Authority: RCW 28A.150.290.

392-122-214 Definition—State institutional education program—Court-involved. [Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-214, filed 1/10/92, effective 2/10/92.] Repealed by 95-08-025, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.150.290.

392-122-215 Definition—State institutional education program—Institutional program classified average salary. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-215, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.

392-122-240 State institutional education program—Institutional program classified average salary. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-240, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.

392-122-245 State institutional education program—Institutional program insurance benefits. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-245, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.

392-122-250 State institutional education program—Institutional program nonemployee related cost. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-250, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.

392-122-260 State institutional education program—Basic education funding for state learning centers. [Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-260, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-260, filed 10/2/84.] Repealed by 95-08-025, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.150.290.

392-122-400 Fair start program—Applicable provisions. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-400, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-122-401 Fair start program—Timely reporting. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-401, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-122-405 Fair start program—Definition—Kindergarten through sixth grade annual average full-time equivalent students. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-405, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-122-410 Fair start program—Definition—Approved fair start program. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-410, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-122-415 Fair start program—Apportionment of moneys to school districts and educational service districts. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-415, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

WAC 392-122-005 Authority. The authority for this chapter is RCW 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the implementation of chapter 28A.150 RCW.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-13-020 (Order 84-10), § 392-122-005, filed 6/13/84.]

WAC 392-122-010 Purpose. The purpose of this chapter is to establish policies and procedures for the distribution of state moneys to school districts for programs authorized by RCW 28A.150.370 other than basic education apportionment, special allocations pursuant to chapter 392-140 WAC, and transportation allocations.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-010, filed 1/23/91, effective 2/23/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-13-020 (Order 84-10), § 392-122-010, filed 6/13/84.]

WAC 392-122-100 State special education program—Applicable code provisions. The following sections of this chapter are applicable to the distribution of state moneys for the state education program for special education students:

- (1) WAC 392-122-100 through 392-122-166; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-100, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-100, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-100, filed 10/2/84.]

WAC 392-122-105 Definition—LEAP document for state special education program allocation. "LEAP document for state special education program allocation" means the formula unit worksheet establishing the ratios and percentage distribution of specified disability conditions cited in

the State Operating Appropriations Act in effect for the purpose of distributing special education program allocations for the 1994-95 school year.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-105, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-105, filed 10/2/84.]

WAC 392-122-106 Definition—Form P-223H. "Form P-223H" means the report of school district special education headcount enrollment for eligible special education students as defined in WAC 392-122-135 submitted monthly by the school districts to the superintendent of public instruction for the school year for the purpose of calculating the special education program allocations.

(1) The count dates for special education student enrollments shall be the same as specified in WAC 392-121-122.

(2) This report shall indicate the special education enrollment by resident school district and serving school district.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-106, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-106, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-106, filed 12/9/85.]

WAC 392-122-107 Definition—Report 1220. "Report 1220" means the school district's special education allocation report calculated and prepared by the superintendent of public instruction using the district's eight-month average annual headcount enrollment as submitted on Form P-223H for the school year and for the 1994-95 school year the ratios and percentages established in the LEAP document for state special education program allocation as defined in WAC 392-122-105. For the purpose of special education allocations, the district's eight-month average annual headcount enrollment shall be the average of the enrollments for the first school day of the second reporting month and the subsequent seven months.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-107, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-107, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-107, filed 12/9/85.]

WAC 392-122-110 Definition—State special education program—Special education program certificated instructional staff salary and mix factor variables for the allocation formula for the 1994-95 school year. Special education program certificated instructional staff salary and mix factor variables used in the special education allocation formula for the 1994-95 school year shall be defined the same as those defined in WAC 392-121-200 through 392-121-299: Provided, That the words "state special education program" shall be substituted for "basic education" throughout those definitions.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-110, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-090 (Order 93-19), § 392-122-110, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-110, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-110, filed 10/2/84.]

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WAC 392-122-120 State special education program—Determination of district average state special education program certificated instructional staff salary for the purpose of apportionment. For the 1994-95 school year the determination of district average special education program certificated instructional staff salary used in the special education allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: Provided, That the words "state special education program" shall be substituted for "basic education" throughout that section.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-120, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-120, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-120, filed 10/2/84.]

WAC 392-122-130 State special education program—Nonemployee related cost. For the 1994-95 school year state special education program moneys for nonemployee related costs (NERC) shall be allocated to school districts for eligible special education students served at the maximum rate established in the LEAP document for state special education programs.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-130, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-130, filed 10/2/84.]

WAC 392-122-131 State special education program—Basic education backout. For the 1994-95 school year the district's basic education backout shall be calculated based on the percentages established in the LEAP document for state special education program allocations as defined in WAC 392-122-105.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-131, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-131, filed 12/9/85.]

WAC 392-122-132 State special education program—Substitute teacher pay allocations. For the 1994-95 school year state special education program moneys for substitute teacher pay allocations shall be allocated to school districts for certificated staff units at the maximum rate established in the LEAP document for state special education program allocations as defined in WAC 392-122-105.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-132, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-132, filed 12/9/85.]

WAC 392-122-135 State special education program—Eligible special education students. Eligible special education students are those students:

- (1) For the 1994-95 school year as defined in:
 - (a) WAC 392-171-381 (developmentally disabled preschool students);
 - (b) WAC 392-171-386 (seriously behaviorally disabled students);
 - (c) WAC 392-171-391 (communication disordered students);
 - (d) WAC 392-171-396 (orthopedically impaired students);
 - (e) WAC 392-171-401 (health impaired students);

- (f) WAC 392-171-406 (specific learning disabled students);
- (g) WAC 392-171-421 (mentally retarded students);
- (h) WAC 392-171-431 (multidisability students);
- (i) WAC 392-171-436 (deaf students);
- (j) WAC 392-171-441 (hard of hearing students);
- (k) WAC 392-171-446 (visually impaired students); and
- (l) WAC 392-171-451 (deaf-blind students); and
- (2) For the 1995-96 school year and thereafter:
 - (a) Meeting the definition of enrolled student in WAC 392-121-106, enrolled in a course of study pursuant to WAC 392-121-107 and who qualify and are receiving special education services pursuant to chapter 392-172 WAC; or
 - (b) Who are under six years of age, qualify as developmentally delayed pursuant to WAC 392-172-114 and are receiving special education services pursuant to chapter 392-172 WAC; or
 - (c) Who are under six years of age, qualify as communication disordered pursuant to WAC 392-172-120 and are receiving special education services pursuant to chapter 392-172 WAC.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-135, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-135, filed 10/2/84.]

WAC 392-122-140 State special education program—Home and/or hospital care. State special education program moneys shall be allocated to school districts for students eligible under WAC 392-172-218 temporarily requiring home and/or hospital care at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing home and/or hospital care allocations.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-140, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-140, filed 10/2/84.]

WAC 392-122-145 State special education program—Home and/or hospital care—Extended absences. Students eligible under WAC 392-172-218 temporarily requiring home and/or hospital care shall be counted as enrolled students pursuant to WAC 392-121-106 as follows:

(1) Students not deemed eligible special education students pursuant to WAC 392-122-135 whose absence from the regular attendance continues through two consecutive monthly enrollment report days shall be dropped from the rolls and shall not be counted as an enrolled student on the next monthly enrollment report day unless attendance has resumed. Such students shall only be eligible for home and/or hospital care allocations until attendance in the regular program is resumed.

(2) Students deemed eligible special education students pursuant to WAC 392-122-135 shall be reported as enrolled students for the duration of the home and/or hospital care.

[Statutory Authority: RCW 28A.150.290. 05-15-126, § 392-122-145, filed 7/18/05, effective 8/18/05; 96-03-002, § 392-122-145, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-145, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-145, filed 10/2/84.]

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WAC 392-122-150 State special education program—Hospital educational program. State special education program moneys shall be allocated by the superintendent of public instruction to school districts operating a hospital educational program for the exclusive purpose of maintaining and operating the hospital educational program. School districts shall be allocated funds for hospital educational programs at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing hospital educational program allocations.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-150, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-150, filed 10/2/84.]

WAC 392-122-155 State special education program—Board and room cost. State special education program moneys shall be allocated to school districts for the cost of approved board and room for eligible handicapped students served and requiring board and room, who are not eligible under programs of the department of social and health services, but deemed in need of the board and room by the superintendent of public instruction. These moneys are in lieu of transportation costs. School districts shall be allocated moneys for board and room of eligible special education students at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing board and room allocations.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-155, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-155, filed 10/2/84.]

WAC 392-122-160 State special education program—Reporting. (1) At such times as are designated by the superintendent of public instruction, each school district shall report the number of eligible special education students receiving special education according to instructions provided by the superintendent of public instruction. The disability condition shall be one of such conditions in WAC 392-122-135. The age for the purpose of determining the special education program allocation calculated in WAC 392-122-105 shall be the age of the student as of midnight August 31 of the school year. The age reported by the school district shall be for apportionment purposes only and not for determination of a child's eligibility for access to a special education program.

(2) Each school district shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the school district's allocation of state special education moneys.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-160, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-160, filed 10/2/84.]

WAC 392-122-165 State special education program—Apportionment of state special education program moneys. From moneys appropriated by the legislature, the superintendent of public instruction shall apportion state special education program moneys to each school district based on the criteria cited in the State Operating Appropriations Act for the respective school year for state special education program allocation and on the provisions of WAC

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392-122-100 through 392-122-166. The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-165, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-165, filed 1/23/91, effective 2/23/91.]

WAC 392-122-166 State special education program allocation. The board of directors of a school district may request the superintendent of public instruction to pay a portion of the district's special education allocation to another school district or an educational service district. The request must be submitted on Form 1324 and must state the dollar amount of the transfer. The board can modify the dollar amount of the transfer by submitting another Form 1324 to the superintendent of public instruction. Unless the form requesting a transfer states a timeline for making the transfer, the superintendent of public instruction shall execute the transfer pursuant to the provisions of WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-166, filed 1/3/96, effective 2/3/96.]

WAC 392-122-200 State institutional education program—Applicable code provisions. The following sections of this chapter are applicable to the distribution of state moneys for the state institutional education program:

- (1) WAC 392-122-200 through 392-122-275; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-200, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-200, filed 10/2/84.]

WAC 392-122-201 Definition—State institutional education program—School day. "School day" means the same as defined in WAC 392-121-033.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-201, filed 1/10/92, effective 2/10/92.]

WAC 392-122-202 Definition—State institutional education program—School year. "School year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-202, filed 1/10/92, effective 2/10/92.]

WAC 392-122-205 State institutional education program—Eligible programs. Programs supported as state institutional education programs include those provided in:

- (1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services to house adjudicated youth twenty-four hours a day;
- (2) Juvenile detention centers—i.e., facilities meeting the definition of a "detention facility" in RCW 13.40.020.
- (3) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

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(4) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

(5) Adult correctional facilities housing juveniles—i.e., facilities maintained by the state department of corrections for juvenile inmates under eighteen years of age.

[Statutory Authority: RCW 28A.150.290. 05-15-127, § 392-122-205, filed 7/18/05, effective 8/18/05; 01-24-002, § 392-122-205, filed 11/21/01, effective 12/22/01. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-205, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 95-08-025, § 392-122-205, filed 3/29/95, effective 4/29/95; 92-03-045 (Order 92-03), § 392-122-205, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-205, filed 10/2/84.]

WAC 392-122-206 Definition—State institutional education program—Form E-672. "Form E-672" means the form distributed by the superintendent of public instruction on which school districts, or other education providers operating institutional education programs report eligible institutional education students enrolled on the enrollment count dates specified in WAC 392-122-211.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-206, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-206, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-206, filed 1/23/91, effective 2/23/91.]

WAC 392-122-208 Definition—State institutional education program—Other education provider. "Other education provider" means:

- (1) An educational service district, institution of higher education, private contractor or any combination thereof providing an institutional education program in an adult correctional facility operated by the department of corrections under contract with the superintendent of public instruction and the department of corrections; or
- (2) An educational service district providing an institutional education program pursuant to a contract with a school district in a state-operated group home, institution for juvenile delinquents, or residential habilitation center, or county-operated juvenile detention center.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-208, filed 10/20/98, effective 11/20/98.]

WAC 392-122-210 Definition—State institutional education program—Certificated instructional staff and mix factor variables for the purpose of apportionment. For the purpose of apportionment of state moneys, state institutional education program certificated instructional staff salary and mix factor variables shall be defined the same as in WAC 392-121-200 through 392-121-299: Provided, That the words "state institutional education program" shall be substituted for "basic education" throughout those sections.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-210, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-210, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-210, filed 10/2/84.]

WAC 392-122-211 Definition—State institutional education program—Institution enrollment count dates. "Institution enrollment count dates" means the fourth school day of September and the first school day of each of the ten subsequent months of the school year.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-211, filed 1/10/92, effective 2/10/92.]

WAC 392-122-212 Definition—State institutional education program—Educational activity. As used in WAC 392-122-200 through 392-122-275, "educational activity" means the following teaching/learning experiences provided by a school district or other education provider:

(1) Instruction, testing, counselling, supervision, advising, and other services provided directly by certificated staff or by classified staff who are supervised by certificated staff.

(2) Up to one hour per day of scheduled study time if the study is in conjunction with other educational activity and if the study is monitored by educational staff who are present during the study.

(3) Up to two hours per day of individual study conducted by a student when educational staff are not present if all of the following conditions are met:

(a) The study is in pursuit of high school graduation credit; or the study is in a department of corrections facility and is in pursuit of a certificate of educational competence pursuant to RCW 28B.50.536 and chapter 131-48 WAC;

(b) The study is part of a program of instruction defined by a certificated employee who evaluates the student's progress in that program;

(c) The student is making progress in the program;

(d) The study is not counted as work training experience pursuant to subsection (4) of this section; and

(e) Combined individual study time and scheduled study time pursuant to subsection (2) of this section claimed in determining the student's full-time equivalent pursuant to WAC 392-122-225 do not exceed two hours per day.

(4) Work based learning meeting the requirements of WAC 180-50-315: Provided, That for work based learning provided pursuant to WAC 180-50-315, a student's full-time equivalent shall be determined pursuant to WAC 392-121-124.

[Statutory Authority: RCW 28A.150.290. 05-19-139, § 392-122-212, filed 9/21/05, effective 10/22/05. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-212, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-212, filed 1/10/92, effective 2/10/92.]

WAC 392-122-213 Definition—State institutional education program—Excused absence. As used in WAC 392-122-200 through 392-122-275, "excused absence" means an absence from scheduled educational activity which certificated staff determine to be due to one or more of the following:

(1) Illness;

(2) Attendance in court; or

(3) Meeting with a lawyer, case worker, counselor, physician, dentist, nurse, or other professional service provider.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-213, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-213, filed 1/10/92, effective 2/10/92.]

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WAC 392-122-220 Definition—State institutional education program—Enrolled institutional education program student. "Enrolled institutional education program student" means a person who:

(1)(a) Is in a program in a department of corrections facility and is under eighteen years of age or is eighteen years of age and is continuing in the institutional education program with the permission of the department of corrections and the education provider; or

(b) Is under twenty-one years of age at the beginning of the school year and is either:

(i) In a residential school as defined in RCW 28A.190.-020; or

(ii) Confined in a county detention center within the meaning of confinement provided in RCW 13.40.020;

(2) Is scheduled to engage in educational activity in the institutional education program during the current week;

(3) During the current school year, has engaged in educational activity in the institutional education program provided or supervised by educational certificated staff; and

(4) Does not qualify for any of the enrollment exclusions in WAC 392-122-221.

[Statutory Authority: RCW 28A.150.290. 01-24-002, § 392-122-220, filed 11/21/01, effective 12/22/01. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-220, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-220, filed 1/10/92, effective 2/10/92.]

WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions. The following may not be counted as an enrolled institutional education program student:

(1) A person whose educational activity has terminated.

(2) A person who has transferred to another institution or school district.

(3) An institution student who:

(a) Has not engaged in educational activity in the past five school days, excluding days of excused absence;

(b) Has not engaged in educational activity in the past ten school days including days of excused absence; or

(c) Is claimed by any school district as an enrolled student eligible for state basic education support pursuant to chapter 392-121 WAC.

[Statutory Authority: RCW 28A.150.290. 01-24-002, § 392-122-221, filed 11/21/01, effective 12/22/01. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-221, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 95-08-025, § 392-122-221, filed 3/29/95, effective 4/29/95; 92-03-045 (Order 92-03), § 392-122-221, filed 1/10/92, effective 2/10/92.]

WAC 392-122-225 Definition—State institutional education program—Institutional education full-time equivalent (FTE) students. "Institutional education full-time equivalent (FTE) students" means the sum of FTE students on an enrollment count date determined as follows:

(1) An enrolled institutional education program student who is three to eight years of age and scheduled to engage in a minimum of twenty hours of educational activity per week shall be counted as one FTE.

(2) An enrolled institutional education program student who is nine years of age or older and scheduled to engage in

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a minimum of twenty-five hours of educational activity per week shall be counted as one FTE.

(3) An enrolled institutional education program student who is scheduled to engage in less than the minimum hours for one FTE shall be counted as a partial FTE, determined by dividing the scheduled hours of educational activity by the minimum hours for one FTE.

(4) In determining a student's FTE, educational activity may include up to ten minutes of class transition time between classes but shall not include noon intermission.

(5) No student shall be counted as more than one FTE.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-225, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-225, filed 1/10/92, effective 2/10/92.]

WAC 392-122-230 Definition—State institutional education program—Annual average full-time equivalent (AAFTE) institutional education students. "Annual average full-time equivalent (AAFTE) institutional education students" means the average institutional education FTE students on the eleven institution enrollment count dates of the school year.

[Statutory Authority: RCW 28A.150.290. 95-08-025, § 392-122-230, filed 3/29/95, effective 4/29/95; 92-03-045 (Order 92-03), § 392-122-230, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-230, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-230, filed 10/2/84.]

WAC 392-122-235 State institutional education program—Determination of average state institutional program certificated instructional staff salary for the purpose of apportionment. The determination of average institutional education program certificated instructional staff salary used in the institutional education allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: Provided, That the words "state institutional education program" shall be substituted for "basic education" throughout that section.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-235, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-235, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-235, filed 10/2/84.]

WAC 392-122-255 State institutional education program—Institutional program indirect cost. State institutional education program moneys for the purpose of recognition of institutional program indirect costs shall be allocated to school districts and other education providers based on the indirect cost rate assumed in the state Operating Appropriations Act.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-255, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 92-19-125 (Order 92-08), § 392-122-255, filed 9/21/92, effective 10/22/92; 92-03-045 (Order 92-03), § 392-122-255, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-255, filed 10/2/84.]

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WAC 392-122-265 State institutional education program—Institutional program traffic safety allocation. Traffic safety moneys shall be allocated to eligible state institutional education programs pursuant to WAC 392-122-300 through 392-122-322.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-265, filed 1/22/92, effective 2/22/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-265, filed 10/2/84.]

WAC 392-122-270 State institutional education program—Apportionment of state moneys. From the state institutional education program moneys appropriated to the superintendent of public instruction, the superintendent shall make allocations to school districts and other education providers based on the institutional education program's annual average full-time equivalent institutional education students and as provided in the state Operating Appropriations Act and WAC 392-122-200 through 392-122-275.

(1) Institutional education program allocations shall be based on a two hundred twenty-day school year. Allocations to a school district or other education provider offering less than two hundred twenty school days shall be reduced pro rata as provided in WAC 392-122-910.

(2) The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

(3) The superintendent of public instruction may reduce or delay payment of institutional education program moneys pursuant to chapter 392-117 WAC, Timely reporting.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-270, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-270, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-270, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-270, filed 10/2/84.]

WAC 392-122-275 State institutional education program—Reporting requirements. Each school district or other education provider operating an institutional education program shall report to the superintendent of public instruction as follows:

(1) The district or provider shall report on Form E-672 the number of individual enrolled institutional education program students and the number of institutional education full-time equivalent students on each institution enrollment count date.

Report forms shall be signed by the school district superintendent or a designated official of the school district or other education provider.

(2) Each school district or other education provider operating an institutional education program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the program's allocation of state institutional education program moneys.

(3) Institutional enrollment reporting shall be subject to chapter 392-117 WAC, Timely reporting.

(4) Each school district or other education provider shall report personnel data pursuant to instructions provided by the superintendent of public instruction.

(5) By August 15 of each year, each other education provider shall provide a budget showing the anticipated activities and objects of expenditures for the institutional education program for the ensuing school year.

(6) By December 15 following the end of the school year, each other education provider shall provide an annual financial summary of the actual activities and objects of expenditures for the institutional education program for the preceding school year.

(7) Information required by this section shall be reported pursuant to instructions provided by the superintendent of public instruction.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-275, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 95-08-025, § 392-122-275, filed 3/29/95, effective 4/29/95; 92-03-045 (Order 92-03), § 392-122-275, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-275, filed 10/2/84.]

WAC 392-122-300 Traffic safety education—Applicable provisions. WAC 392-122-300 through 392-122-322 and WAC 392-122-905 through 392-122-910 apply to distribution of state moneys for traffic safety education.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-300, filed 1/22/92, effective 2/22/92.]

WAC 392-122-301 Traffic safety education—Definition—Completing student. As used in WAC 392-122-300 through 392-122-322, "completing student" means the same as defined in WAC 392-153-032.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-301, filed 1/22/92, effective 2/22/92.]

WAC 392-122-302 Traffic safety education—Definition—Low-income student. As used in WAC 392-122-300 through 392-122-322 "low-income student" means the same as defined in WAC 392-100-100.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-302, filed 1/22/92, effective 2/22/92.]

WAC 392-122-303 Traffic safety education—Low-income eligibility—Documentation and confidentiality. Documentation of low-income student eligibility shall meet the requirements of WAC 392-100-101. Confidentiality of eligibility of low-income students shall be maintained as provided in WAC 392-100-102.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-303, filed 1/22/92, effective 2/22/92.]

WAC 392-122-304 Traffic safety education—Definition—Low-income tuition assistance. As used in WAC 392-122-300 through 392-122-322, "low-income tuition assistance" means the result of subtracting the traffic safety education fee paid the school district by a completing low-income student from the fee paid by a completing student who is not low-income.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-304, filed 1/22/92, effective 2/22/92.]

[Title 392 WAC—p. 88]

WAC 392-122-320 Traffic safety education—Apportionment of state moneys. From moneys appropriated for traffic safety education, the superintendent of public instruction shall allocate moneys to each school district as follows:

(1) For the 1991-92 school year, the school district's allocation equals:

(a) The number of completing students as reported on Form F-196 for the 1989-90 school year; multiplied by

(b) The percentage of enrollment determined by the superintendent of public instruction to be eligible for free and reduced priced lunches for the 1990-91 school year; and further multiplied by

(c) The statewide uniform rate determined by dividing the available appropriation for the 1991-92 school year by the estimated statewide number of low-income traffic safety education completers.

(2) Payments for the 1991-92 school year shall be at the rate of ten percent a month for the months of September through June.

(3) Moneys for the 1991-92 school year recovered pursuant to WAC 392-122-322 may be reallocated proportionately among school districts which report 1991-92 low-income tuition assistance in excess of the allocation provided pursuant to subsection (1) of this section.

(4) For the 1992-93 school year and thereafter, the school district's allocation equals the sum of the following amounts:

(a) The number of completing low-income students reported by the school district pursuant to WAC 392-122-321 times the statewide uniform rate determined by dividing the available appropriation for low-income tuition assistance by total completing low-income students reported by all school districts; and

(b) The total number of completing students reported by the school district pursuant to WAC 392-122-321 times the statewide uniform rate determined by dividing the available appropriation (excluding low-income tuition assistance moneys) by total completing students reported by all school districts.

(5) For the 1992-93 school year and thereafter the superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

[Statutory Authority: RCW 28A.220.030 and 1992 c 232 § 509. 92-21-009 (Order 92-13), § 392-122-320, filed 10/9/92, effective 11/9/92. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-320, filed 1/22/92, effective 2/22/92.]

WAC 392-122-321 Traffic safety education—School district reporting. Each school district receiving state traffic safety education moneys for a school year shall report to the superintendent of public instruction as follows:

(1) By November 1 of the following school year, the school district shall report the following information for the school year of the allocation:

(a) The total number of traffic safety education completing students;

(b) The total number of low-income traffic safety education completing students;

(c) The amount of low-income tuition assistance provided by the school district;

(d) The criteria used for providing low-income assistance;

(e) The fee paid by low-income completing students; and

(f) The fee paid by completing students who are not low-income.

(2) At any time prior to November 1, 1993, any school district using 1992-93 traffic safety education moneys provided pursuant to this chapter to reimburse students for traffic safety education fees paid during the 1991-92 school year, may report the amount of such reimbursements to the superintendent of public instruction. Such report shall be in writing and shall be signed by the school district superintendent or the superintendent's designee.

[Statutory Authority: RCW 28A.220.030 and 1992 c 232 § 509. 92-21-009 (Order 92-13), § 392-122-321, filed 10/9/92, effective 11/9/92. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-321, filed 1/22/92, effective 2/22/92.]

WAC 392-122-322 Traffic safety education—Recovery of moneys. The superintendent of public instruction shall recover traffic safety education allocations as follows:

(1) After November 1 of the following school year, the superintendent of public instruction shall compare each school district's state traffic safety education allocation for low-income tuition assistance for the school year and the amount of low-income tuition assistance for traffic safety education provided by the school district for the school year as reported pursuant to WAC 392-122-321 (1)(c). Any part of the allocation not used to provide low-income tuition assistance shall be recovered.

(2) Moneys may be recovered pursuant to chapter 392-117 WAC, WAC 392-122-900, or 392-122-910.

(3) In determining recoveries of traffic safety education allocations other than those provided for low-income tuition assistance the superintendent of public instruction shall compare such allocations to the school district's total traffic safety education expenditures for the school year as reported on Report F-196, Part III. For the purpose of determining recoveries for the 1992-93 school year, any reimbursement reported by a school district pursuant to WAC 392-122-321(2) shall be added to the district's 1992-93 traffic safety education expenditures.

[Statutory Authority: RCW 28A.220.030 and 1992 c 232 § 509. 92-21-009 (Order 92-13), § 392-122-322, filed 10/9/92, effective 11/9/92. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-322, filed 1/22/92, effective 2/22/92.]

WAC 392-122-600 State learning assistance program—Applicable code provisions. The following sections of this chapter are applicable to the distribution of state moneys for the state learning assistance program:

(1) WAC 392-122-600 through 392-122-610;

(2) WAC 392-122-900: Provided, That allowable expenditures including indirect expenditures shall be determined pursuant to WAC 392-162-095; and

(3) WAC 392-122-905 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-600, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-600, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-600, filed 6/13/84.]

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WAC 392-122-605 Apportionment of state moneys for the state learning assistance program. State learning assistance program moneys shall be allocated as provided in the state Operating Appropriations Act in effect at the time the apportionment is due.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-605, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 87-09-018 (Order 87-2), § 392-122-605, filed 4/6/87; 86-01-021 (Order 85-16), § 392-122-605, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-605, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-605, filed 6/13/84.]

WAC 392-122-610 Payment of state moneys for the state learning assistance program. From the state learning assistance program moneys appropriated to the superintendent of public instruction, the superintendent shall make payments in the same manner as provided in WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-610, filed 1/23/91, effective 2/23/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-610, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-610, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-610, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-610, filed 6/13/84.]

WAC 392-122-700 State transitional bilingual program—Applicable code provisions. The following sections of this chapter are applicable to the distribution of state moneys for the state transitional bilingual program:

(1) WAC 392-122-700 through 392-122-710; and

(2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-700, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-700, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-700, filed 6/13/84.]

WAC 392-122-705 Formula for the distribution of state moneys for the state transitional bilingual program.

(1) As used in this section the term "eligible student" shall mean those students defined under WAC 392-160-005(c).

(2) A district's entitlement for state moneys for the state transitional bilingual program shall be calculated as follows:

(a) Multiplying the number of eligible students by the per pupil allocation established in the State Appropriation Act for the state transitional bilingual program.

(b) The result of the calculation provided in (a) of this subsection is the district's entitlement subject to WAC 392-122-710 and its provision for enrollment adjustment.

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-705, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-705, filed 6/13/84.]

WAC 392-122-710 Distribution of state moneys for the transitional bilingual program. The superintendent of public instruction shall apportion to districts for the state transitional bilingual program the amount calculated per district in WAC 392-122-705 according to the apportionment schedule provided in RCW 28A.510.250. Monthly payments to districts shall be adjusted during the year to reflect changes in the district's reported eligible students as reported on the P223, monthly report of school district enrollment form. For the purpose of transitional bilingual allocations, the district's

eight-month average annual headcount enrollment of eligible students as defined in WAC 392-160-005 (1)(c) shall be the average of such enrollment for the first school day of the second reporting month and the subsequent seven months.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-710, filed 1/3/96, effective 2/3/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-710, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-710, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-710, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-710, filed 6/13/84.]

WAC 392-122-800 State highly capable students education program—Applicable code provisions. The following sections of this chapter are applicable to the distribution of state moneys for the state highly capable students education program:

- (1) WAC 392-122-800 through 392-122-810; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-800, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-13-020 (Order 84-10), § 392-122-800, filed 6/13/84.]

WAC 392-122-805 Formula for distribution of state moneys for the state highly capable students education program. (1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term defined in WAC 392-121-133.

(2) A district's entitlement for state moneys for the state highly capable students education program shall be calculated as follows:

(a) Multiplying the AAFTE of the reporting district by one and one-half percent;

(b) Multiplying the number of students obtained in the above calculation by the per pupil allocation established in the State Operating Appropriations Act in effect at the time the apportionment is due; and

(c) The product is the district's entitlement subject to WAC 392-122-810 and its provision for enrollment adjustment.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-805, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-805, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-805, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-805, filed 6/13/84.]

WAC 392-122-810 Distribution of state moneys for the state highly capable students education program. The superintendent of public instruction shall apportion to districts for the state highly capable student education program the amount calculated per district in WAC 392-122-805 according to the apportionment schedule provided in RCW 28A.510.250. The amount apportioned may be adjusted intermittently to reflect changes in the district's AAFTE students as reported on the P223, monthly report of school district enrollment form.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-810, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-810, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-810, filed 6/13/84.]

[Title 392 WAC—p. 90]

WAC 392-122-900 General provision—Indirect cost limitations, carryover limitations and recoveries. Categorical apportionment moneys shall be expended for allowable categorical program costs. Indirect cost charges to categorical programs are limited as provided in this section. Categorical moneys may be carried over from one school district fiscal year to another only as provided in this section.

(1) The superintendent of public instruction shall recover categorical program allocations made pursuant to this chapter if not expended by the school district during the school year for allowable program costs.

(2) For the 2000-01 school year and thereafter, "allowable program costs" means direct program expenditures minus abatements, if applicable, plus allowable indirect program charges.

(a) Direct program expenditures are expenditures directly traceable to the program for the school year reported consistent with the *Accounting Manual for Public School Districts in the State of Washington* and instructions provided by the superintendent of public instruction including the *Administrative Budgeting, and Financial Reporting Handbook*.

(b) For the purposes of this section, special education program expenditures shall be reduced (abated) by revenues to account 7121 special education revenues from other districts.

(c) For special education, highly capable, transitional bilingual, and traffic safety programs, allowable indirect program charges equal direct program expenditures times the percentage calculated from the school district's annual financial statements (Report F-196) for two school years prior as follows:

(i) Divide direct expenditures for program 97 district-wide support by;

(ii) Total general fund direct expenditures for all programs minus direct expenditures for program 97 districtwide support; and

(iii) Round to three decimal places.

(d) For the learning assistance program, allowable indirect program charges equal the direct program expenditures times the federal restricted indirect rate calculated by the superintendent of public instruction.

(e) For the institutional education program, allowable indirect program charges equal the state institutional education program allocation times the percentage allocated for indirect costs pursuant to the biennial operating appropriations act and the state funding formula.

(3) Commencing with the 1994-95 school year allocation, a school district may carry over from one school district fiscal year to the next up to ten percent of the state learning assistance program allocation. Carryover moneys shall be expended solely for allowable learning assistance program costs.

(4) Commencing with the 1997-98 school year allocation, a district may carry over from one school fiscal year to the next up to ten percent of state special education program allocation. Carryover moneys shall be expended solely for allowable state special education program costs.

(5) Commencing with the 1998-99 school year allocation, a district may carry over from one school district fiscal year to the next up to ten percent of the state institutional edu-

cation program allocation. Carryover moneys shall be expended solely for allowable state institutional education program costs.

(6) The amount recovered pursuant to this section for special education, highly capable, bilingual, learning assistance, and traffic safety programs shall be determined as follows:

(a) Sum the state allocation for the categorical program for the school year and any carryover from the prior school year if applicable;

(b) Determine the district's allowable program costs for the school year pursuant to this section;

(c) If the result of (a) of this subsection exceeds the result of (b) of this subsection, the difference less any allowable carryover shall be recovered.

(7) The amount recovered pursuant to this section for the institutional education program shall be determined as follows:

(a) Sum the state allocation for the institutional education program for the school year excluding any amount provided for indirect costs, and any carryover from the prior school year if applicable;

(b) Determine the district's direct expenditures for the institutional education program as reported on Report F-196 or such other document filed pursuant to instructions provided by the superintendent of public instruction;

(c) If the amount of (a) of this subsection exceeds the amount of (b) of this subsection, the difference less any allowable carryover shall be recovered.

(8) This section applies to categorical program allocations to school districts, educational service districts and, in the case of institutional education programs, entities contracting to provide an institutional education program funded under this chapter.

[Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 512. 02-04-023, § 392-122-900, filed 1/24/02, effective 1/24/02. Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-900, filed 1/3/96, effective 2/3/96. Statutory Authority: 1995 2nd sp.s. c 18 § 519. 95-18-074, § 392-122-900, filed 9/1/95, effective 10/2/95. Statutory Authority: RCW 28A.150.290. 92-19-125 (Order 92-08), § 392-122-900, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-900, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-900, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-900, filed 6/13/84.]

WAC 392-122-905 General provision—Maximum control factor—Proration. The maximum rate of allocation specified in this chapter shall be allocated by the superintendent of public instruction to school districts unless the state appropriations for these programs are insufficient and it is necessary for the superintendent of public instruction to prorate all or a portion of these funds appropriated for allocation to school districts for such programs. All such prorations shall be announced to school districts through official agency bulletins or reports.

[Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-905, filed 12/9/85; 84-13-020 (Order 84-10), § 392-122-905, filed 6/13/84.]

WAC 392-122-910 General provisions—Recovery for failure to meet program requirements. (1) Categorical apportionment moneys affected by this chapter shall be recovered in the event that a school district fails to meet one

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or more conditions that are established in state law, including the state Operating Appropriations Act, or state rules, or regulations.

(2) Such recovery shall occur if:

(a) The school district's failure to meet one or more established conditions is documented either on a school district report that has been submitted to the superintendent of public instruction or by review of the school district's program by the superintendent of public instruction; and

(b) The school district has been given notice by the superintendent of public instruction of such failure at least thirty calendar days prior to the date of recovery.

(3) The amount of such recovery shall be proportional to the degree to which the school district fails to meet the established condition.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-910, filed 1/23/91, effective 2/23/91.]

Chapter 392-123 WAC

FINANCE—SCHOOL DISTRICT BUDGETING

WAC

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- 392-123-165 Contractual liability extending beyond end of fiscal period.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-123-015 Fiscal year 1976-77 preliminary and final budgets required. [Order 8-76, § 392-123-015, filed 7/23/76; Order 7-75, § 392-123-015, filed 12/22/75. Formerly WAC 392-30-030.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-020 Petition to stipulate that fiscal year 1976-77 preliminary budget shall become final budget. [Order 8-76, § 392-123-020, filed 7/23/76; Order 7-75, § 392-123-020, filed 12/22/75. Formerly WAC 392-30-035.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-025 Fiscal year 1976-77 preliminary and final budget forms provided by the superintendent. [Order 8-76, § 392-123-025, filed 7/23/76; Order 7-75, § 392-123-025, filed 12/22/75. Formerly WAC 392-30-040.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-030 Fiscal year 1976-77 preliminary and final budget preparation. [Order 8-76, § 392-123-030, filed 7/23/76; Order 7-75, § 392-123-030, filed 12/22/75. Formerly WAC 392-30-050.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-035 Fiscal year 1976-77 budget required to be developed on accrual basis. [Order 8-76, § 392-123-035, filed 7/23/76; Order 7-75, § 392-123-035, filed 12/22/75. Formerly WAC 392-30-060.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-040 The time schedule for the fiscal year 1976-77 preliminary budget process—Adoption. [Order 8-76, § 392-123-040, filed 7/23/76; Order 7-75, § 392-123-040, filed 12/22/75. Formerly WAC 392-30-070 (part).] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-045 Time schedule for the fiscal year 1976-77 preliminary budget process—Post adoption. [Order 8-76, § 392-123-045, filed 7/23/76; Order 7-75, § 392-123-045, filed 12/22/75. Formerly WAC 392-30-070 (part).] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-050 Time schedule for the fiscal year 1976-77 final budget process. [Order 8-76, § 392-123-050, filed 7/23/76; Order 7-75, § 392-123-050, filed 12/22/75. Formerly WAC 392-30-080.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-051 Basis of budgeting and accounting. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-051, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-051, filed 5/13/80; Order 8-76, § 392-123-051, filed 7/23/76.] Repealed by 82-19-048 (Order 82-13), filed 9/14/82. Statutory Authority: RCW 28A.65.465.
- 392-123-0511 July and August 1977 budget. [Order 8-76, § 392-123-0511, filed 7/23/76.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-052 Time schedule for July and August 1977 budget process. [Order 8-76, § 392-123-052, filed 7/23/76.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-075 Identification of a balanced budget for fiscal year 1976-77. [Order 8-76, § 392-123-075, filed 7/23/76; Order 7-75, § 392-123-075, filed 12/22/75. Formerly WAC 392-30-140.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-085 Meeting to review budget after determined unsound—Findings issued. [Order 8-76, § 392-123-085, filed 7/23/76; Order 7-75, § 392-123-085, filed 12/22/75. Formerly WAC 392-30-160.] Repealed by 83-21-027 (Order 83-12), filed 10/10/83. Statutory Authority: 28A.65.465.

- 392-123-090 Preliminary budget for fiscal year 1976-77 as noncompliant and unsound. [Order 8-76, § 392-123-090, filed 7/23/76; Order 7-75, § 392-123-090, filed 12/22/75. Formerly WAC 392-30-170.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-130 Monthly cash and investment status report for funds other than the general fund. [Order 8-76, § 392-123-130, filed 7/23/76; Order 7-75, § 392-123-130, filed 12/22/75. Formerly WAC 392-30-250.] Repealed by 81-20-007 (Order 81-18), filed 9/24/81. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465.

WAC 392-123-003 Authority. The authority for this chapter is RCW 28A.505.140 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding budgetary procedures and practices by school districts.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-123-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-003, filed 10/10/83.]

WAC 392-123-005 Purposes. The purposes of this chapter are to implement chapter 28A.505 RCW and insure proper budgetary procedures and practices on the part of school districts.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-123-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-005, filed 9/24/81; Order 8-76, § 392-123-005, filed 7/23/76; Order 7-75, § 392-123-005, filed 12/22/75. Formerly WAC 392-30-010.]

WAC 392-123-010 The accounting manual. The superintendent of public instruction and the office of the state auditor shall publish and distribute to each school district an accounting manual which shall be referred to as *The Accounting Manual for Public School Districts of the State of Washington*. Such accounting manual, as now or hereafter amended, shall govern the accounting procedures of each school district and is hereby incorporated into this chapter by this reference. Prior to any revision thereof, the superintendent of public instruction shall publish notice of such proposed action and shall hold at least one public hearing.

[Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-010, filed 9/24/81; Order 8-76, § 392-123-010, filed 7/23/76; Order 7-75, § 392-123-010, filed 12/22/75. Formerly WAC 392-30-020.]

WAC 392-123-011 School district fiscal year. The school district fiscal year shall begin on September 1 and end on August 31.

[Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-011, filed 5/13/80; Order 8-76, § 392-123-011, filed 7/23/76.]

WAC 392-123-046 Definitions—General fund, capital projects fund, debt service fund, associated student body fund, advanced refunding and advance refunded bond funds, transportation vehicle fund and insurance reserves. (1) A general fund shall be established for maintenance and operation of the school district to account for all financial operations of the school district, except those required to be accounted for in another fund, as authorized by RCW 28A.320.330, 28A.325.030, and 28A.160.130.

(2) A capital projects fund shall be established as authorized by RCW 28A.320.330 for major capital purposes. Any statutory references to a "building fund" shall mean the capital projects fund. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies, state apportionment proceeds, earnings from capital projects fund investments, rental and lease proceeds, and proceeds from the sale of real property.

Money deposited into the capital projects fund from other sources may be used for the purposes provided in WAC 392-123-180 and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: Provided, That vehicles shall not be purchased with capital projects fund money.

(3) A debt service fund shall be established to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW.

(4) An associated student body fund shall be established as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds shall be established to provide for proceeds and disbursements as authorized in chapter 39.53 RCW.

(6) A transportation vehicle fund shall be established as authorized by RCW 28A.160.130.

(7) The board of directors of first-class school districts shall have power to create and maintain an insurance reserve account pursuant to RCW 28A.330.110 to be used to meet losses specified by the board of directors.

Funds required for maintenance of an insurance reserve account shall be budgeted and allowed as are other moneys required for the support of the school district.

The school district board of directors may, as an alternative or in addition to the establishment of a self-insurance reserve account or the purchasing of insurance, contract for or hire personnel to provide risk management services.

[Statutory Authority: RCW 28A.505.090. 93-17-006 (Order 93-12), § 392-123-046, filed 8/5/93, effective 9/5/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-046, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-046, filed 10/10/83.]

WAC 392-123-047 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements. As used in this chapter, the term:

(1) "Revenue" shall mean an addition to assets of a fund of a school district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from other school districts that are due, but are not collected by the end of the fiscal period; deferrals of apportionment payments by the state when a deferral occurs because of district request or state mandate, and the revenue is due to the district; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

Revenue that cannot be accrued because it does not meet the above tests includes: Collection of excess levies not expected to be received until after the end of the fiscal period and PL 874 funds that are to be received in cash in the following fiscal period, i.e. the twenty-five percent payment that is received after the end of the fiscal period.

(4) "Expenditures" shall mean the decrease in assets with no corresponding decrease in liabilities, or the increase in liabilities with no corresponding increase in assets. Expenditures for activities prior to September 1, but within the school year as defined in WAC 392-121-031, are considered expenditures of the school year commencing September 1.

(5) "Expenditure refunds" shall mean the increase in assets with a corresponding decrease in expenditures.

(6) "Revenue refunds" shall mean the increase in liabilities with a corresponding decrease in revenues.

(7) "Liabilities" shall mean debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.

(8) "Accrual basis expenditures" shall mean expenditures incurred during a given fiscal period, whether paid or unpaid.

(9) "Cash basis expenditures" shall mean the disbursement of cash for expenditures during a given fiscal period regardless of when liabilities are incurred, and the disbursement of inventory.

(10) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

(11) "Disbursements" shall mean payments in cash, including the issuance of warrants, and the disbursement of inventory.

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-123-047, filed 9/28/99, effective 9/29/99. Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-047, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-047, filed 10/10/83; 82-19-048 (Order 82-13), § 392-123-047, filed 9/14/82.]

WAC 392-123-049 Basis of budgeting and accounting. All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting, and financial reporting:

(1) Recognize revenue as defined in WAC 392-123-047: Provided, That school districts that elect the cash basis of expenditure recognition as defined below shall recognize revenue on the cash basis.

(2) Recognition of expenditures for all funds shall be on the accrual basis: Provided, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year.

(3) Expenditures for activities prior to September 1, but within the school year as defined in WAC 392-121-031, are considered expenditures of the school year commencing September 1.

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-123-049, filed 9/28/99, effective 9/29/99. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-049, filed 10/10/83; 82-19-048 (Order 82-13), § 392-123-049, filed 9/14/82.]

WAC 392-123-053 Budget contents. Each school district that anticipates being an operating district in the common school system of the state during the following fiscal year shall prepare a budget. For districts anticipating consolidation or annexation, separate budgets shall be prepared pending official consolidation or annexation proceedings.

Every school district budget shall be prepared, submitted and adopted in the format prescribed by the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with the accounting manual for public school districts, published by the superintendent of public instruction and the state auditor. Budgets prepared and adopted in a format other than that prescribed by the superintendent of public instruction shall not be official and will have no legal effect.

All items on the budget form shall be completed correctly in accordance with instructions provided by the superintendent of public instruction before the budget is presented for hearing review and approval. Information pertaining to budget development which is not available at the time of bud-

get preparation shall be estimated using the most current and reliable information available.

The budget shall set forth the estimated revenues for the budgeted fiscal year, the estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the reserved and unreserved fund balances for each year. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be available during that fiscal year: Provided, That school districts, pursuant to WAC 392-123-060 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

Any budget or appropriation adopted by the board of directors that contains estimated expenditures in excess of the total of estimated revenue for the budgeted fiscal year plus estimated fund balance at the beginning of the budgeted fiscal year less ending reserve fund balance for the budgeted year without written permission from the superintendent of public instruction shall be null and void and shall not be considered an appropriation.

The budget shall set forth by detailed items or classes the estimated expenditures for the budgeted fiscal year, the estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. Total salary amounts, full-time equivalents and the high, low and average annual salaries shall be displayed by each job classification within each activity within each program. If individual salaries within each position title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance.

[Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-053, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-053, filed 5/13/80; Order 8-76, § 392-123-053, filed 7/23/76.]

WAC 392-123-054 Time schedule for budget. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare annual budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget, placed it on file in the school district administration office, that a copy thereof will be furnished to any person who calls upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget	Same as first-class.

Final Date For Action	First-Class Districts	Second-Class Districts	Final Date For Action	First-Class Districts	Second-Class Districts
	of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.		August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: Provided, That the budget must be adopted no later than August 31st. Upon conclusion of board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	Final date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. One copy of the approved budget will be retained by the educational service district and one copy will be retained by the superintendent of public instruction. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.
	Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit the budget to the educational service district for review and comment. The July 10 date may be delayed by the superintendent of public instruction if the state's operating budget is not finally approved by the legislature until after June 1st.	Same as first-class	September 3	Final date for district to file the adopted budget with their educational service district.	
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: Provided, That the budget must be adopted no later than August 1st. Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	September 10	Final date for educational service district to file the adopted budgets with the superintendent of public instruction.	Final date for the superintendent of public instruction to return a copy of the approved budget to the local school district.
			[Statutory Authority: RCW 28A.505.040. 96-08-058 (Order 96-06), § 392-123-054, filed 4/2/96, effective 5/3/96. Statutory Authority: RCW 28A.505.090. 93-17-006 (Order 93-12), § 392-123-054, filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-054, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.65.465. 87-15-067 (Order 87-7), § 392-123-054, filed 7/16/87. Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-054, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 84-13-021 (Order 84-11), § 392-123-054, filed 6/13/84; 83-21-027 (Order 83-12), § 392-123-054, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-054, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-054, filed 5/13/80; Order 8-76, § 392-123-054, filed 7/23/76.]		
August 3		Last date to forward the adopted budget to educational service district for review, alteration and approval.			

WAC 392-123-055 Identification of revenues to be included in the budget. Only revenues which can be reasonably anticipated to be available, as defined in WAC 392-123-047 in the fiscal period for which the budget is being prepared may be budgeted by a school district, except under the following condition: Receipt of written permission from the superintendent of public instruction to budget as revenue in a district's budget receivables collectible in future fiscal periods.

All available current information including current instructions contained in bulletins now or hereafter published by the superintendent of public instruction shall be used to

determine the amount of budget revenues that can reasonably be expected to be available in the fiscal period. Proposed levies which have not been certified as approved by the voters shall not be included in the budget as adopted for operation of the district.

[Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-055, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465, 81-20-007 (Order 81-18), § 392-123-055, filed 9/24/81. Statutory Authority: RCW 28A.65.465, 80-06-043 (Order 80-16), § 392-123-055, filed 5/13/80; Order 8-76, § 392-123-055, filed 7/23/76; Order 7-75, § 392-123-055, filed 12/22/75. Formerly WAC 392-30-080 and 392-30-090.]

WAC 392-123-060 Petition to budget receivables collectible in future fiscal periods. When a school district is unable to prepare a budget or a budget extension in which the estimated revenues for the budgeted fiscal period plus the estimated fund balance or actual fund balance in case of a budget extension, at the beginning of the budgeted fiscal period less the ending reserved fund balance for the budgeted fiscal year do not at least equal the estimated expenditures for the budgeted fiscal period, the school district board of directors may deliver a petition in writing at least twenty days before the budget or budget extension is scheduled for adoption to the superintendent of public instruction requesting permission to include receivables collectible in future periods beyond the fiscal period being budgeted in order to balance the budget or budget extension for the fiscal period being budgeted. Said petition shall include a resolution of the school board requesting permission to budget receivables collectible in future fiscal periods and other such information as the superintendent of public instruction shall deem as necessary.

If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition.

[Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-060, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-060, filed 5/13/80; Order 8-76, § 392-123-060, filed 7/23/76; Order 7-75, § 392-123-060, filed 12/22/75. Formerly WAC 392-30-100.]

WAC 392-123-065 Noncompliance with binding restrictions. If a school district fails to comply with any binding restrictions issued by the superintendent of public instruction pursuant to WAC 392-123-060, the allocation of state funds for support of the school district may be withheld, pending an investigation of the reason for such noncompliance by the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the superintendent of public instruction before any portion of the state allocation is withheld.

[Statutory Authority: RCW 28A.65.465, 80-06-043 (Order 80-16), § 392-123-065, filed 5/13/80; Order 8-76, § 392-123-065, filed 7/23/76; Order 7-75, § 392-123-065, filed 12/22/75. Formerly WAC 392-30-110.]

WAC 392-123-070 Overexpending and exceeding the budget. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the budgeted fiscal year and the board of directors shall be limited in the incurring of expenditures to the amount of each such appropriation. The

board of directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: Provided, That no board of directors shall be prohibited from incurring expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW 28A.320.080 during the interim while the budget is being settled under WAC 392-123-080: Provided further, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any civil or criminal action the violation is found to have been done knowingly, such director, officer, or employee who is found to have participated in such breach shall immediately forfeit his office or employment, and the judgment in any such action shall so provide.

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-123-070, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-070, filed 10/10/83; Order 8-76, § 392-123-070, filed 7/23/76; Order 7-75, § 392-123-070, filed 12/22/75. Formerly WAC 392-30-130.]

WAC 392-123-071 Budget extensions—First-class school districts. Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

If in first-class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Two copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall for-

ward one copy to the superintendent of public instruction. One copy shall be retained by the educational service district. The final date for adopting appropriation resolutions extending budgets shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day. Each copy of all appropriation resolutions filed shall have attached a copy of the school district's latest budget status report. The revised budget shall be in the format prescribed by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the date specified in this section shall be null and void. Any appropriation resolution adopted after the current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded.

[Statutory Authority: RCW 28A.505.090, 93-17-006 (Order 93-12), § 392-123-071, filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28A.505.140 and H.B. 1224, 92-03-024 (Order 92-02), § 392-123-071, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.65.465, 84-13-021 (Order 84-11), § 392-123-071, filed 6/13/84; 83-21-027 (Order 83-12), § 392-123-071, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465, 81-20-007 (Order 81-18), § 392-123-071, filed 9/24/81. Statutory Authority: RCW 28A.65.465, 80-06-043 (Order 80-16), § 392-123-071, filed 5/13/80; Order 8-76, § 392-123-071, filed 7/23/76.]

WAC 392-123-072 Budget extensions—Second-class school districts. If a second-class school district needs to increase the amount of the appropriation from any fund the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made in the format prescribed by the superintendent of public instruction. The request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. The final date for receiving budget extension requests shall be the close of

business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the educational service district or the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be returned by the superintendent of public instruction to the educational service district. The educational service district shall retain one copy and shall return one copy to the school district.

[Statutory Authority: RCW 28A.505.090, 93-17-006 (Order 93-12), § 392-123-072, filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28A.505.140 and H.B. 1224, 92-03-024 (Order 92-02), § 392-123-072, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055, 85-15-110 (Order 85-3), § 392-123-072, filed 7/24/85. Statutory Authority: RCW 28A.65.465, 84-13-021 (Order 84-11), § 392-123-072, filed 6/13/84; 83-21-027 (Order 83-12), § 392-123-072, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465, 81-20-007 (Order 81-18), § 392-123-072, filed 9/24/81. Statutory Authority: RCW 28A.65.465, 80-06-043 (Order 80-16), § 392-123-072, filed 5/13/80; Order 8-76, § 392-123-072, filed 7/23/76.]

WAC 392-123-074 Effective date of appropriation resolutions. The effective date of appropriation resolutions are as follows:

	First-Class Districts	Second-Class Districts
Resolutions adopted pursuant to WAC 392-123-054.	12:00 a.m. September 1.	12:00 a.m. September 1 or when approved by the budget review committee, whichever is later.
Resolutions adopted pursuant to WAC 392-123-071 and 392-123-072.	When adopted by the school district board of directors.	When approved by the superintendent of public instruction.

[Statutory Authority: RCW 28A.505.140 and H.B. 1224, 92-03-024 (Order 92-02), § 392-123-074, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.65.465, 80-06-043 (Order 80-16), § 392-123-074, filed 5/13/80.]

WAC 392-123-076 Identification of balanced budget. For each fund contained in the school district budget the estimated expenditures for the budgeted fiscal period must not be greater than the total of the estimated revenues for the budgeted fiscal period, plus the estimated fund balance at the beginning of the budgeted fiscal period, less the estimated reserved fund balance at the end of the budgeted fiscal period and the projected revenue from receivables collectible in future periods as approved by the superintendent of public instruction for inclusion in the budget.

The proceeds of any loan must not be used to balance the budget of the borrowing fund.

[Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055, 85-15-110 (Order 85-3), § 392-123-076, filed 7/24/85. Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-076, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-076, filed 5/13/80; Order 8-76, § 392-123-076, filed 7/23/76.]

WAC 392-123-077 Termination of appropriations. All appropriations shall lapse at the end of the school district fiscal year. At the expiration of said period all appropriations of said period shall become null and void and any claim presented thereafter against any such appropriation for the fiscal period just closed shall be provided for in the appropriations for the ensuing fiscal period.

[Statutory Authority: RCW 28A.65.465, 80-06-043 (Order 80-16), § 392-123-077, filed 5/13/80; Order 8-76, § 392-123-077, filed 7/23/76.]

WAC 392-123-078 Review of first-class school district budgets and budget extensions. Annual budgets of first-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors.

The educational service district shall notify each of its first-class school districts of any problems noted during the review prior to adoption of the budget by the school district.

Budgets and budget extensions adopted by first-class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

Said reviews shall include but not be limited to completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget or budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

[Statutory Authority: RCW 28A.505.040, 96-09-001 (Order 96-06), § 392-123-078, filed 4/3/96, effective 5/4/96. Statutory Authority: RCW 28A.505.140 and H.B. 1224, 92-03-024 (Order 92-02), § 392-123-078, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.65.465, 87-15-067 (Order 87-7), § 392-123-078, filed 7/16/87. Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055, 85-15-110 (Order 85-3), § 392-123-078, filed 7/24/85. Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-078, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-078, filed 5/13/80.]

WAC 392-123-079 Review of second-class district budgets and budget extensions. Annual budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said reviews shall include, but not be limited to, completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.505.070 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

[Statutory Authority: RCW 28A.505.040, 96-09-001 (Order 96-06), § 392-123-079, filed 4/3/96, effective 5/4/96. Statutory Authority: RCW 28A.505.140 and H.B. 1224, 92-03-024 (Order 92-02), § 392-123-079, filed 1/7/92, effective 2/7/92. Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-123-079, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055, 85-15-110 (Order 85-3), § 392-123-079, filed 7/24/85. Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-079, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465, 81-20-007 (Order 81-18), § 392-123-079, filed 9/24/81. Statutory Authority: RCW 28A.65.465, 80-06-043 (Order 80-16), § 392-123-079, filed 5/13/80.]

WAC 392-123-080 Budget determined to be unsound after superintendent's review. If the superintendent of public instruction determines that the budget of any school district does not comply with this chapter and/or the provisions of state statutory law applicable to school districts budgets, written notice of such determination shall be provided to the board of directors of the district.

[Order 8-76, § 392-123-080, filed 7/23/76; Order 7-75, § 392-123-080, filed 12/22/75. Formerly WAC 392-30-150.]

WAC 392-123-095 Budget as noncompliant and unsound. A school district shall submit a revised budget within thirty days following the date the superintendent of public instruction issues a written notice requiring the district to do so. The revised budget shall comply with state statutory law and this chapter.

[Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-095, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-095, filed 5/13/80; Order 8-76, § 392-123-095, filed 7/23/76; Order 7-75, § 392-123-095, filed 12/22/75. Formerly WAC 392-30-180.]

WAC 392-123-100 Revised budget as not submitted or noncompliant. If a school district fails or refuses to submit a revised budget at the direction of the superintendent of public instruction which complies with state statutory law and this chapter, the matter shall be submitted to the state board of education. Written notification of the superintendent's intention to submit the matter to the state board shall be made to the board of directors and administration of the school district and to the educational service district superintendent.

[Order 8-76, § 392-123-100, filed 7/23/76; Order 7-75, § 392-123-100, filed 12/22/75. Formerly WAC 392-30-190.]

WAC 392-123-105 State board of education action regarding missing or noncompliant budget. The state board of education shall be provided written notification of

the superintendent of public instruction's determination and shall meet to adopt a financial plan to operate the district. The plan adopted by the state board shall be in effect until a revised budget which complies with state statutory law and this chapter is adopted and submitted by the district.

[Order 8-76, § 392-123-105, filed 7/23/76; Order 7-75, § 392-123-105, filed 12/22/75. Formerly WAC 392-30-200.]

WAC 392-123-110 Monthly financial statements and reports prepared by school district administration.

Monthly financial statements and reports shall be prepared by the administration of each school district on a monthly basis as required by this chapter. The reports shall contain the most current information available at the time of preparation. The purpose of these financial reports shall be to provide the board of directors of the district with certain financial information necessary for the proper financial management of the district. All monthly reports shall be made available by the administration of a district to each member of the board of directors of the district and to any person or organization upon request pursuant to the policies of the board of directors. A district shall provide the superintendent of public instruction with any of the required reports upon request.

[Order 8-76, § 392-123-110, filed 7/23/76; Order 7-75, § 392-123-110, filed 12/22/75. Formerly WAC 392-30-210.]

WAC 392-123-115 Monthly budget status reports. A monthly budget status report for each fund shall be prepared by the administration of each school district; and a copy of the most current budget status reports shall be provided to each member of the board of directors of the district at the board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the fund balance at the beginning and end of the period being analyzed. State Form F-198, which is entitled "budget status report," is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. If deemed necessary by the superintendent of public instruction, and upon written notice to the district by the superintendent of public instruction, a monthly budget status report for one or more funds along with other financial information shall be filed with either the educational service district superintendent or the superintendent of public instruction or both for the period of time set forth in such notice.

[Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-115, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-115, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-115, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-115, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-115, filed 5/13/80; Order 8-76, § 392-123-115, filed 7/23/76; Order 7-75, § 392-123-115, filed 12/22/75. Formerly WAC 392-30-220.]

WAC 392-123-120 Statement of financial condition—Financial position of the school district. The administration of each school district shall be required to provide

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the board of directors of the district with a statement of financial condition monthly. The "statement of revenues, expenditures and changes in fund balance" in state Form F-196, is an example of the type of format and level of information necessary for this report.

[Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-120, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-120, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-120, filed 9/24/81; Order 8-76, § 392-123-120, filed 7/23/76; Order 7-75, § 392-123-120, filed 12/22/75. Formerly WAC 392-30-230.]

WAC 392-123-125 Personnel budget status report.

Each school district shall maintain the capability to prepare a monthly personnel status report according to the schedule set forth for monthly budget status reports in WAC 392-123-115. This report shall display the combined responsibilities of the district's administrative staff for personnel management and budget control and shall indicate the status of expenditures and commitments for salaries and wages. The report shall also indicate the number of certificated and classified positions planned in the budget and the amount of funds budgeted for those positions, summarized by program and/or responsibility area. The number of positions actually filled and the amount of funds actually expended and encumbered in support of these positions shall also be displayed in a manner that can be compared with budget. Any significant variance between budgeted positions and actual should be explained. The personnel budget status report shall be provided to the superintendent of public instruction or the board of directors of the district within ten days from the date of such request from either the superintendent or board. A district's board of directors may use the personnel status report in conjunction with a monthly budget status report and the statement of financial condition to manage the financial position of the district.

[Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-125, filed 7/24/85; 81-20-007 (Order 81-18), § 392-123-125, filed 9/24/81; Order 8-76, § 392-123-125, filed 7/23/76; Order 7-75, § 392-123-125, filed 12/22/75. Formerly WAC 392-30-240.]

WAC 392-123-132 Reconciliation of monthly county treasurers' statements to district records. Every school district shall reconcile ending net cash and investments, revenues and expenditures reported by the county treasurer with the district records for all funds. Any differences shall be noted and adjustments to school district records shall be made if necessary.

[Order 8-76, § 392-123-132, filed 7/23/76.]

WAC 392-123-135 Interfund loans—Definition. An interfund loan is considered to be a temporary loan of moneys between one district fund and another. An interfund loan is not considered to be an investment pursuant to the provisions of RCW 28A.320.320.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-135, filed 7/19/90, effective 8/19/90; Order 8-76, § 392-123-135, filed 7/23/76; Order 7-75, § 392-123-135, filed 12/22/75. Formerly WAC 392-30-260.]

[Title 392 WAC—p. 99]

WAC 392-123-140 Interfund loans allowable. Loans are allowable to the general fund, the transportation vehicle fund, the capital projects fund and the debt service fund. Loans are allowable from the general fund and the capital projects fund. Loans shall not be made to the detriment of any function or project for which the fund was established.

[Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-140, filed 10/10/83; 82-19-048 (Order 82-13), § 392-123-140, filed 9/14/82. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465, 81-20-007 (Order 81-18), § 392-123-140, filed 9/24/81; Order 8-76, § 392-123-140, filed 7/23/76; Order 7-75, § 392-123-140, filed 12/22/75. Formerly WAC 392-30-270.]

WAC 392-123-141 Effective date. Amendatory sections WAC 392-123-005, 392-123-010, 392-123-051, 392-123-054, 392-123-055, 392-123-071, 392-123-072, 392-123-079, 392-123-115, 392-123-120, 392-123-125 and 392-123-140 shall become effective on September 1, 1981.

[Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465, 81-20-007 (Order 81-18), § 392-123-141, filed 9/24/81.]

Reviser's note: The effective date referred to in this section applies to Emergency Order 81-6, filed July 22, 1981, as published in Washington State Register 81-15-086.

WAC 392-123-145 Interfund loans—Identification of temporary loans. A temporary loan is considered to be a loan which is completely liquidated in less than one year.

[Statutory Authority: RCW 28A.65.465, 87-09-019 (Order 87-3), § 392-123-145, filed 4/6/87; Order 8-76, § 392-123-145, filed 7/23/76; Order 7-75, § 392-123-145, filed 12/22/75. Formerly WAC 392-30-280.]

WAC 392-123-150 Interfund loans—Payment of interest. Interest shall be charged by the loaning fund to be paid by the borrowing fund. The rate of interest shall be not less than the current warrant interest rate prevailing in the county in which the school district is considered to be located. The interest shall be credited to the loaning fund and shall not be transferred to any other fund.

[Order 8-76, § 392-123-150, filed 7/23/76; Order 7-75, § 392-123-150, filed 12/22/75. Formerly WAC 392-30-290.]

WAC 392-123-155 Interfund loans—Full disclosure on financial statements. Financial reports of each school district, including the monthly financial reports provided to the board of directors of the district, shall specify all outstanding interfund loans and all interest charges involved. The proceeds of any interfund loan shall not be used to balance the budget of the borrowing fund.

[Order 8-76, § 392-123-155, filed 7/23/76; Order 7-75, § 392-123-155, filed 12/22/75. Formerly WAC 392-30-300.]

WAC 392-123-160 Interfund loans—Board resolution adopted—Contents. The board of directors of a school district shall adopt a resolution before any interfund loan transaction may take place. The resolution shall contain the exact amount of the loan, the funds involved, the specific source of funds for repayment, the schedule for repayment, and the interest rate involved.

[Order 8-76, § 392-123-160, filed 7/23/76; Order 7-75, § 392-123-160, filed 12/22/75. Formerly WAC 392-30-310.]

[Title 392 WAC—p. 100]

WAC 392-123-165 Contractual liability extending beyond end of fiscal period. The board of directors of any school district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers, and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget for each fund of each school district shall contain a schedule which identifies that portion of each contractual liability incurred pursuant to RCW 28A.335.170 which extends beyond the fiscal period being budgeted. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated dollar amount extending beyond the end of the fiscal period being budgeted.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-123-165, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465 and 28A.58.131, 78-08-035 (Order 4-78), § 392-123-165, filed 7/18/78.]

WAC 392-123-170 Proceeds from the sale of school district real property. Pursuant to RCW 28A.335.130 the proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-123-170, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-170, filed 10/10/83.]

WAC 392-123-175 Proceeds from the lease, rental or occasional use of surplus property. Pursuant to RCW 28A.335.060 each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's debt service fund and/or capital projects fund except for:

(a) Moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which money shall be deposited in the district's general fund; or

(b) At the option of the board, after evaluating the sufficiency of the school district's capital projects fund for purposes of meeting demands for new construction and improvements, moneys derived from the lease or rental of real property may be deposited into the district's general fund to be used exclusively for nonrecurring costs related to operating school facilities, including, but not limited to, expenses for maintenance;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund.

[Statutory Authority: Chapter 28A.150 RCW, 05-17-178, § 392-123-175, filed 8/23/05, effective 9/23/05. Statutory Authority: 1990 c 33, 90-16-002

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(Order 18), § 392-123-175, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-175, filed 10/10/83.]

WAC 392-123-180 Bond proceeds. Money derived from the sale of bonds, including interest earnings thereof, shall be deposited in the capital projects fund, the transportation vehicle fund, the general fund, or the debt service fund, as applicable, and may only be used for the purposes as enumerated in RCW 28A.530.010.

Accrued interest paid for bonds sold shall be deposited in the debt service fund.

[Statutory Authority: Chapter 28A.530 RCW and HB 1224. 91-23-043 (Order 26), § 392-123-180, filed 11/14/91, effective 12/15/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-180, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-180, filed 10/10/83.]

Chapter 392-125 WAC

FINANCE—EDUCATIONAL SERVICE DISTRICT BUDGETING

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-125-075	Distribution of county funds when county contains parts of two or more educational service districts. [Order 8-76, § 392-125-075, filed 7/23/76; Order 7-75, § 392-125-075, filed 12/22/75. Formerly WAC 392-31-150.] Repealed by 81-19-007 (Order 81-19), filed 9/4/81. Statutory Authority: RCW 28A.21.135.
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WAC 392-125-003 Authority. The authority for this chapter is RCW 28A.310.330 which authorizes the superintendent of public instruction to promulgate rules and regulations for the adoption of budgeting procedures for educational service districts modeled after the statutory procedure for school districts.

tendent of public instruction to promulgate rules and regulations for the adoption of budgeting procedures for educational service districts modeled after the statutory procedure for school districts.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-125-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.135. 84-13-022 (Order 84-12), § 392-125-003, filed 6/13/84.]

WAC 392-125-005 Purposes. The purposes of this chapter are to implement RCW 28A.310.330 through 28A.310.460 and establish budgeting procedures governing educational service districts.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-125-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-005, filed 6/7/79; Order 8-76, § 392-125-005, filed 7/23/76; Order 7-75, § 392-125-005, filed 12/22/75. Formerly WAC 392-31-010.]

WAC 392-125-010 Principles of accounting. In all cases, the budgeting and accounting systems of educational service districts shall be governed by generally accepted accounting principles modified where necessary by statute and/or this chapter. *The Accounting Manual for Educational Service Districts* shall govern the accounting system of educational service districts and is hereby incorporated into this chapter by this reference. Prior to any revision thereof, the superintendent of public instruction shall publish notice of such proposed action and shall hold at least one public hearing.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-177, § 392-125-010, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), § 392-125-010, filed 9/4/81; Order 8-76, § 392-125-010, filed 7/23/76; Order 7-75, § 392-125-010, filed 12/22/75. Formerly WAC 392-31-020.]

WAC 392-125-011 Basis of budgeting and accounting. Revenue and expenditures shall be recognized on the accrual basis.

[Statutory Authority: RCW 28A.21.135. 84-13-022 (Order 84-12), § 392-125-011, filed 6/13/84; 81-19-007 (Order 81-19), § 392-125-011, filed 9/4/81.]

WAC 392-125-012 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements. As used in this chapter, the term:

(1) "Revenue" shall mean an addition to assets of a fund of an educational service district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from school districts that are due, but are not collected by the end of the fiscal period; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

(4) "Expenditures" shall mean the decrease in assets with no corresponding decrease in liabilities, or the increase in liabilities with no corresponding increase in assets.

(5) "Expenditure refunds" shall mean the increase in assets with a corresponding decrease in expenditures.

(6) "Revenue refunds" shall mean the increase in liabilities with a corresponding decrease in revenues.

(7) "Liabilities" shall mean debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.

(8) "Accrual basis expenditures" shall mean expenditures incurred during a given fiscal period, whether paid or unpaid.

(9) "Cash basis expenditures" shall mean the disbursement of cash for expenditures during a given fiscal period regardless of when liabilities are incurred, and the disbursement of inventory.

(10) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

(11) "Disbursements" shall mean payments in cash, including the issuance of warrants, and the issuance of inventory.

[Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-012, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-012, filed 6/13/84.]

WAC 392-125-014 Educational service district fiscal year. The following fiscal years shall be established for educational service districts and shall apply to all governmental, proprietary, and fiduciary fund entities, including all account groups under the jurisdiction of the educational service district board of directors:

There shall be a twelve-month fiscal period of July 1, 1990, through June 30, 1991, for the 1990-1991 fiscal year.

For July and August 1991 there shall be a two-month fiscal period with a budget for this two-month period to be prepared by May 10, 1991.

For fiscal year 1991-1992 there shall be a twelve-month fiscal period beginning September 1, 1991, and ending on August 31, 1992, with a budget to be prepared by July 10, 1991.

For every fiscal year thereafter, a twelve-month fiscal period shall begin on September 1 and end on August 31 with an annual budget to be prepared by July 10th.

[Statutory Authority: RCW 28A.310.330, 91-07-063 (Order 91-05), § 392-125-014, filed 3/20/91, effective 4/20/91.]

WAC 392-125-015 Budgets required. Each educational service district shall prepare in accordance with this chapter and instructions from the superintendent of public instruction a complete general expense fund budget for each fiscal year of operation. An incomplete budget shall be considered null and void and shall not be an appropriation. The annual budget shall be prepared in the format prescribed by

the superintendent of public instruction which will reflect the approved core funding formula pursuant to WAC 392-125-036, and shall receive all necessary approvals, and shall be filed with the proper officials in order to constitute an official budget and appropriation for each fiscal year. The superintendent may require a second or revised budget at any time the financial situation is deemed to warrant a revised budget.

[Statutory Authority: RCW 28A.310.330, 91-07-063 (Order 91-05), § 392-125-015, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-015, filed 7/24/85; 81-19-007 (Order 81-19), § 392-125-015, filed 9/4/81. Statutory Authority: RCW 28A.21.135 et seq., 79-07-005 (Order 1-79), § 392-125-015, filed 6/7/79; Order 8-76, § 392-125-015, filed 7/23/76; Order 7-75, § 392-125-015, filed 12/22/75. Formerly WAC 392-31-030.]

WAC 392-125-020 Budget preparation, hearing and adoption. Each educational service district shall prepare a budget for the operation of the educational service district for the ensuing fiscal year and following completion of the budget, shall publish a notice stating that the budget is completed and placed on file in the district headquarters office with copies available for any interested person or organization. The notice shall state the date, time, and place the educational service district board will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. The notice shall also state that any person may appear during the meeting and be heard for or against any part of such budget. The notice shall be published once each week for two consecutive weeks following the completion of the budget in a newspaper of general circulation in the district.

An educational service district board shall secure the signature of the chairman of the superintendents' advisory committee as an indication that the budget has been reviewed by the committee. At the conclusion of the hearing which shall not exceed two days, the board of directors shall adopt the budget by resolution. After the budget has been adopted by the board at the public hearing, two certified copies shall be forwarded to the superintendent of public instruction in order that the superintendent may revise and fix the budget according to statute.

[Statutory Authority: RCW 28A.310.330, 91-07-063 (Order 91-05), § 392-125-020, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-020, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-020, filed 6/13/84; 81-19-007 (Order 81-19), § 392-125-020, filed 9/4/81; Order 8-76, § 392-125-020, filed 7/23/76; Order 7-75, § 392-125-020, filed 12/22/75. Formerly WAC 392-31-040.]

WAC 392-125-025 Budget approval. The superintendent of public instruction shall revise and fix the annual budget of each educational service district, establish the appropriation and return one approved copy of the budget to the district.

[Statutory Authority: RCW 28A.310.330, 91-07-063 (Order 91-05), § 392-125-025, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135, 84-13-022 (Order 84-12), § 392-125-025, filed 6/13/84; Order 8-76, § 392-125-025, filed 7/23/76; Order 7-75, § 392-125-025, filed 12/22/75. Formerly WAC 392-31-050.]

WAC 392-125-026 July and August 1991 budget. In order to implement a change in fiscal years, a short fiscal period shall exist from July 1, 1991, through August 31, 1991.

(1) Budgets for the period July 1, 1991, through August 31, 1991, shall be prepared and adopted in the format provided by the office of the superintendent of public instruction. The budget classifications shall be in accordance with the latest revised accounting manual for educational service districts published by the office of the superintendent of public instruction.

(2) The revenue section of said budget shall set forth the estimated revenues from all sources for said period and the probable fund balance available at the close of the 1990-1991 fiscal year.

(3) The expenditure section of said budget shall set forth by detailed items or classes the estimated expenditures for said period.

[Statutory Authority: RCW 28A.310.330, 91-07-063 (Order 91-05), § 392-125-026, filed 3/20/91, effective 4/20/91.]

WAC 392-125-027 Time schedule for July and August 1991 budget process. The time schedule for preparation, adoption, and filing of the July and August 1991 budget is as follows:

On or Before	Requirement
May 10	Final date for board to prepare budget for July and August 1991. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.
14 days preceding public hearing	Copies of budget made available to interested citizens.
June 3, 1991	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
June 6, 1991	Forward two properly signed copies of budget to superintendent of public instruction.
June 28, 1991	Superintendent revises, fixes and approves budget and returns one copy to the district.

[Statutory Authority: RCW 28A.310.330, 91-07-063 (Order 91-05), § 392-125-027, filed 3/20/91, effective 4/20/91.]

WAC 392-125-030 Time schedule for fiscal year 1991-1992 budget process and for every fiscal year thereafter. The time schedule for preparation, adoption, and filing of the fiscal year 1991-1992 annual budget and the budget for every year thereafter is as follows: If the superintendent of public instruction deems it necessary to request a second and revised budget, the timing of the process shall be similar and shall be outlined specifically in the request.

On or Before	Requirement
July 10	Final date for board to prepare budget. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.

July 15	Copies of budget made available to interested citizens.
August 1	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
August 3	Forward two properly signed copies of budget to superintendent of public instruction.
August 31	Superintendent revises, fixes and approves budget and returns one copy to the district.

[Statutory Authority: RCW 28A.310.330, 91-07-063 (Order 91-05), § 392-125-030, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-030, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-030, filed 6/13/84; Order 8-76, § 392-125-030, filed 7/23/76; Order 7-75, § 392-125-030, filed 12/22/75. Formerly WAC 392-31-060.]

WAC 392-125-035 Budget content. (1) The budget prepared by an educational service district shall set forth the complete financial program and consider all activities of the district for the ensuing fiscal year in detailed expenditures by program and the sources of revenue from which it is to be financed.

(2) The revenue section of a budget shall set forth the estimated revenue from all sources for the ensuing fiscal year, the estimated revenue for the fiscal year current at the time of the budget preparation, the actual revenue for the last completed fiscal year, and the reserved and unreserved fund balances. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be available during that fiscal year.

(3) The expenditure section of the budget shall set forth budgeted expenditures for the ensuing fiscal year, budgeted expenditures for the current fiscal year, and the actual expenditures for the last completed fiscal year. Expenditures shall be displayed by program, activity, and object of expenditure. Total salary amounts, full-time equivalents and the high, low, and average annual salaries shall be displayed by each job classification within each activity within each program. If individual salaries within each position title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance.

The salary exhibits shall be divided into two major groupings with subtotals which agree with the object of expenditure detail in the budget. The two groupings are certificated and classified.

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget

development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

[Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-035, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-035, filed 6/13/84; 80-06-042 (Order 80-15), § 392-125-035, filed 5/13/80. Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-035, filed 6/7/79; Order 8-76, § 392-125-035, filed 7/23/76; Order 7-75, § 392-125-035, filed 12/22/75. Formerly WAC 392-31-070.]

WAC 392-125-036 Core services funding formula.

(1) The superintendent of public instruction shall biennially review and adopt the core services funding formula for educational service districts based upon RCW 28A.310.340, 28A.310.350 and the considerations set forth in this section.

(2) The core services funding formula shall be established to identify basic, uniform services to be provided to school districts and to the superintendent of public instruction by educational service districts.

(3) The core funding formula provides for the equalization of services by educational service districts based on geographical features, number and size of districts served, and facility requirements.

(4) All educational service districts shall be allocated the following positions without regard to size:

- (a) Superintendent;
- (b) Executive secretary;
- (c) Receptionist;
- (d) Internal accountant;
- (e) Secretary; and
- (f) Certification clerk.

(5) All other positions in addition to those specified in subsection (4) of this section, both professional and clerical, shall be allocated on the basis of workload, e.g., total number of school districts, number of second-class school districts, number of on-line computer reports required. These positions shall be allocated to the educational service districts in the following manner:

(a) To provide fiscal office support to school districts most in need, allocations shall be based on the number of second-class school districts served.

(b) In the case of terminal operators, allocation shall be on a workload basis associated with the amount of hours required to process state reports.

(c) The level of curriculum and instruction services provided by educational service districts shall be based on the number of school districts served, regardless of district enrollment.

(6) Travel expenses shall be based on a mileage factor calculated for each educational service district. The factor shall be calculated by measuring the distance between each school district headquarters and the respective educational service district headquarters and obtaining the total mileage for the educational service district. The total mileage shall be multiplied by the number of professional staff allocated to the respective educational service district. The product shall then be multiplied by a standard dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association.

(7) The expenses of board members shall be provided for in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each educational service district board member.

(8) Maintenance and operation expenditures shall be provided in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each core staff position.

(9) The annual housing costs for each educational service district shall be agreed upon by the educational service district superintendents and approved by the superintendent of public instruction or his or her designee.

(10) Total compensation of core positions shall be allocated in accordance with the state biennial appropriations act.

(11) Unique situations may dictate exceptions to the formula which shall be recommended by the Educational Service District Superintendents' Association and approved by the superintendent of public instruction or his or her designee.

(12) The elements set forth in subsections (1) through (11) of this section shall:

(a) Serve as basis for preparing biennial budget requests to the regular sessions of the Washington state legislature; and

(b) Be considered in the approval or disapproval of the annual budgets of the educational service districts by the superintendent of public instruction.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-125-036, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-036, filed 7/24/85. Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-036, filed 6/7/79.]

WAC 392-125-040 Overexpending and exceeding the budget. The budget as fixed and approved by the superintendent of public instruction shall constitute the appropriation from the general expense fund for an educational service district for the ensuing fiscal year. A budget is overexpended and is exceeded if expenditures are made in excess of the amount of the appropriation including budget extensions.

[Statutory Authority: RCW 28A.21.135, 84-13-022 (Order 84-12), § 392-125-040, filed 6/13/84; Order 8-76, § 392-125-040, filed 7/23/76; Order 7-75, § 392-125-040, filed 12/22/75. Formerly WAC 392-31-080.]

WAC 392-125-045 A balanced budget. The estimated expenditures for the ensuing fiscal year shall not be greater than the total of the estimated revenues for the ensuing fiscal year plus the probable (for the initial budget) or actual (for budgets developed after fund balance is known) fund balance at the close of the fiscal year preceding the ensuing fiscal year. A budget is considered a balanced budget if the above requirement is met. The proceeds of any loan must not be used to balance the budget.

[Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-045, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-045, filed 6/13/84; Order 8-76, § 392-125-045, filed 7/23/76; Order 7-75, § 392-125-045, filed 12/22/75. Formerly WAC 392-31-090.]

WAC 392-125-050 Termination of appropriations.

All appropriations shall lapse at the end of the fiscal year. At the expiration of said fiscal year the appropriation shall become null and void and any claim presented thereafter against any such appropriation for the fiscal year just closed shall be provided for in the appropriation for the ensuing fiscal year.

[Order 8-76, § 392-125-050, filed 7/23/76; Order 7-75, § 392-125-050, filed 12/22/75. Formerly WAC 392-31-100.]

WAC 392-125-054 Budget transfers.

Transfers between budget classes may be made by the educational service district superintendent or finance officer, subject to such restrictions as may be imposed by the educational service district board of directors.

[Statutory Authority: RCW 28A.21.135. 80-06-042 (Order 80-15), § 392-125-054, filed 5/13/80.]

WAC 392-125-055 Budget extensions. The procedure for increasing the appropriation level shall be patterned after the procedure that exists for second-class school districts.

If an educational service district needs an increase in the amount of the appropriation for any reason, the educational service district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-125-020. Its introduction and passage shall require the vote of a majority of all members of the educational service district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

An educational service district board shall secure the signature of the chairman of the superintendent's advisory committee as an indication that the budget extension resolution and the revised budget document or budget extension forms have been reviewed by the committee.

Upon passage of the appropriation resolution the educational service district shall petition the superintendent of public instruction for approval to increase the amount of its appropriation, such petition to be made on forms provided by the superintendent of public instruction. Four copies of the request for budget extension shall be prepared and attached to each copy shall be: (1) A copy of the latest budget status report and (2) a copy of the board's appropriation resolution.

The appropriation resolution approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational service district, the office of the state auditor, and the appropriate county auditor.

[Statutory Authority: RCW 28A.21.135. 80-06-042 (Order 80-15), § 392-125-055, filed 5/13/80; Order 8-76, § 392-125-055, filed 7/23/76; Order 7-75, § 392-125-055, filed 12/22/75. Formerly WAC 392-31-110.]

WAC 392-125-060 Monthly budget status report.

A budget status report shall be prepared by the administration of each educational service district on a monthly basis. A monthly budget status report shall contain the most current

information available at the time of preparation and shall be made available to each member of the district board at its regular monthly meeting and to the superintendent of public instruction along with other financial information if deemed necessary by the superintendent of public instruction.

[Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), § 392-125-060, filed 9/4/81; Order 8-76, § 392-125-060, filed 7/23/76; Order 7-75, § 392-125-060, filed 12/22/75. Formerly WAC 392-31-120.]

WAC 392-125-065 Content of the monthly budget status.

The monthly budget status report shall contain the most current approved budget amounts by summary level accounts and the fund balance at the beginning and end of the period being analyzed. Encumbrances also shall be reflected in the report. The report shall display activity on a fiscal year-to-date basis on both revenues and expenditures and the "as of" date shall be indicated at the top of the report.

[Statutory Authority: RCW 28A.21.135. 85-15-111 (Order 85-4), § 392-125-065, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-065, filed 6/13/84; Order 8-76, § 392-125-065, filed 7/23/76; Order 7-75, § 392-125-065, filed 12/22/75. Formerly WAC 392-31-130.]

WAC 392-125-070 Approval of the budget by the superintendent of public instruction.

The superintendent of public instruction may approve an educational service district's budget or request for a budget extension as presented or revise and fix a budget or request for an extension and establish the appropriation. In revising a budget or budget extension, the superintendent shall collect information and prepare exhibits which display the financial condition of the district. The revised financial plan shall include specific budgeted expenditure levels. The financial plan may include the required district staff levels necessary to insure improvements in the financial condition of the district.

[Order 8-76, § 392-125-070, filed 7/23/76; Order 7-75, § 392-125-070, filed 12/22/75. Formerly WAC 392-31-140.]

WAC 392-125-080 Contractual liability extending beyond end of fiscal period.

The board of any educational district may enter into contracts for their respective districts for periods not exceeding twenty years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers, and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall contain a schedule which identifies that portion of each contractual liability incurred pursuant to RCW 28A.310.460 which extends beyond the fiscal period. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated amount extending beyond the end of the fiscal period being budgeted.

[Statutory Authority: RCW 28A.310.330. 01-11-099, § 392-125-080, filed 5/18/01, effective 6/18/01. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-125-080, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.135, 28A.21.310 and 28A.65.465. 78-08-036 (Order 5-78), § 392-125-080, filed 7/18/78.]

WAC 392-125-085 Financial reports submitted to superintendent of public instruction. Within ninety calendar days following the end of its fiscal year, each educational service district shall submit a financial report to the superintendent of public instruction. Said report shall be in the format specified by the superintendent of public instruction.

[Statutory Authority: RCW 28A.310.330. 91-07-063 (Order 91-05), § 392-125-085, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), § 392-125-085, filed 9/4/81.]

WAC 392-125-100 Interfund loans—Definition. An interfund loan is considered to be a temporary loan of moneys between one educational service district fund and another. An interfund loan is not considered to be an investment.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-177, § 392-125-100, filed 8/23/05, effective 9/23/05.]

WAC 392-125-105 Interfund loans allowable. Loans are allowable to the general expense fund and the enterprise fund. Loans shall not be made to the detriment of any function or project for which the fund was established.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-177, § 392-125-105, filed 8/23/05, effective 9/23/05.]

WAC 392-125-110 Interfund loans—Identification of temporary loans. A temporary loan is considered to be a loan which is completely liquidated in less than one year.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-177, § 392-125-110, filed 8/23/05, effective 9/23/05.]

WAC 392-125-120 Interfund loans—Payment of interest. Interest shall be charged by the loaning fund to be paid by the borrowing fund. The rate of interest shall be not less than the current warrant interest rate prevailing in the county in which the educational service district is considered to be located. The interest shall be credited to the loaning fund and shall not be transferred to any other fund.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-177, § 392-125-120, filed 8/23/05, effective 9/23/05.]

WAC 392-125-130 Interfund loans—Full disclosure on financial statements. Financial reports of each educational service district, including the monthly financial reports provided to the board of directors of the educational service district, shall specify all outstanding interfund loans and all interest charges involved. The proceeds of any interfund loan shall not be used to balance the budget of the borrowing fund.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-177, § 392-125-130, filed 8/23/05, effective 9/23/05.]

WAC 392-125-140 Interfund loans—Board resolution adopted—Contents. The board of directors of an educational service district shall adopt a resolution before any interfund loan transaction may take place. The resolution shall contain the exact amount of the loan, the funds involved, the specific source of funds for repayment, the schedule for repayment, and the interest rate involved.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-177, § 392-125-140, filed 8/23/05, effective 9/23/05.]

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WAC

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392-126-440	Reporting process—Reapplication.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-126-003	Termination date. [Statutory Authority: RCW 28A.58.095. 88-03-003 (Order 88-1), § 392-126-003, filed 1/8/88.] Repealed by 98-24-043 (Order 98-11), filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665.
392-126-005	Authority. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-005, filed 8/13/84.] Repealed by 90-01-140 (Order 23), filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.100.090(1).
392-126-010	Purpose. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-010, filed 8/13/84.] Repealed by 98-24-043 (Order 98-11), filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665.
392-126-100	Definition—Day. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-100, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-105	Definition—Current school year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-105, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-110	Definition—Prior school year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-110, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-115	Definition—Compensation. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-

(2007 Ed.)

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392-126-325	Definition—Classified staff salaries. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-325, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-325, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-390	Definition—Form 1049. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-390, filed 10/17/86.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-330	Definition—Current school year classified staff highest annual salaries. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-330, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-330, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-391	Definition—Prior school year classified staff highest annual salaries. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-391, filed 10/17/86.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-335	Definition—Classified insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-335, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-392	Definition—Prior school year district classified derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-392, filed 10/17/86.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-336	Definition—District 1440 classified insurance benefit factor. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-336, filed 12/9/85.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-500	Salary-compensation lid compliance—Compliance of average certificated salaries. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-500, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-340	Definition—Classified increment mix factor. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-340, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-505	Salary-compensation lid compliance—Compliance of certificated insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-505, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-505, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-345	Definition—District classified increment mix factor. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-345, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-510	Salary-compensation lid compliance—No increases constitute compliance—Certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-510, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-350	Definition—State-supported classified increment mix factor adjustment. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-350, filed 8/13/84.] Repealed by 86-01-023 (Order 85-18), filed 12/9/85. Statutory Authority: RCW 28A.58.095.	392-126-600	Salary-compensation lid compliance—Reporting cycle —Certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-600, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-355	Definition—Current school year district classified derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-355, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-355, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-355, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-605	Salary-compensation lid compliance—Reporting cycle —District initial edit of certificated personnel data. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-605, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-360	Definition—Maximum allowed basic education classified derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-360, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-360, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-360, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-610	Salary-compensation lid compliance—Reporting cycle —Data analysis and determination of need for additional information—Certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-610, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-365	Definition—Maximum allowed classified insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-365, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-365, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-615	Salary-compensation lid compliance—Reporting cycle —Review of additional information—Certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-615, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-370	Definition—Form 1045. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-370, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-620	Salary-compensation lid compliance—Reporting cycle —Determination of violation after review—Certificated staff. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-620, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-620, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-375	Definition—Form 1046. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-375, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-625	Salary-compensation lid compliance—Reporting cycle —District subsequent changes of certificated personnel data. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-625, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-380	Definition—Form 1047. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-380, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-630	Salary-compensation lid compliance—Withholding of basic education allocation—Certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-630, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-385	Definition—Form 1048. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-385, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-385, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-385, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-700	Salary-compensation lid compliance—Compliance of average classified salaries. [Statutory Authority: RCW

28A.58.095. 86-21-091 (Order 86-16), § 392-126-700, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-700, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-700, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

- 392-126-705 Salary-compensation lid compliance—Compliance of classified insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-705, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-705, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-710 Salary-compensation lid compliance—No increases constitute compliance—Classified staff. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-710, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-710, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-800 Salary-compensation lid compliance—Reporting cycle—Classified staff. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-800, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-800, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-805 Salary-compensation lid compliance—Reporting cycle—District initial edit of classified personnel data. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-805, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-810 Salary-compensation lid compliance—Reporting cycle—Data analysis and determination of need for additional information—Classified staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-810, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-815 Salary-compensation lid compliance—Reporting cycle—Review of additional information—Classified staff. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-815, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-815, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-820 Salary-compensation lid compliance—Reporting cycle—Determination of violation after review—Classified staff. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-820, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-820, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-825 Salary-compensation lid compliance—Reporting cycle—District subsequent changes of classified personnel data. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-825, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-830 Salary-compensation lid compliance—Withholding of basic education allocation—Classified staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-830, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

FINANCE—SHARED LEAVE

WAC 392-126-004 Authority. The authority for this chapter is RCW 28A.400.380 which authorizes the superintendent of public instruction to adopt rules and regulations promulgating standards governing the administration of the shared leave program which permits sharing of annual and sick leave by school district and educational service district employees and sharing of personal holiday by educational service district employees.

(2007 Ed.)

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-004, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-004, filed 8/21/90, effective 9/21/90.]

WAC 392-126-006 Purpose. The purpose of this chapter is to set forth policies and procedures for the operation of a permissive shared leave program in school districts and educational service districts which permits employees to donate annual leave, sick leave, or personal holiday to a fellow employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition, or who has been called to service in the uniformed services, which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-176, § 392-126-006, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-006, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-006, filed 8/21/90, effective 9/21/90.]

WAC 392-126-009 Definition—Program. "Program" means the leave sharing program established in RCW 41.04.660.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-176, § 392-126-009, filed 8/23/05, effective 9/23/05.]

WAC 392-126-015 Definition—Annual leave. As used in this chapter, "annual leave" means vacation leave that an employee accrues and is maintained in records of a district for employees eligible to accrue vacation leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-015, filed 8/21/90, effective 9/21/90.]

WAC 392-126-020 Definition—Sick leave. As used in this chapter, "sick leave" means leave granted to an employee for the purpose of absence from work with pay in the event of illness, injury, and emergencies as authorized in RCW 28A.400.300 (2)(c).

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-020, filed 8/21/90, effective 9/21/90.]

WAC 392-126-022 Definition—Personal holiday. As used in this chapter, "personal holiday" means the additional paid holiday per calendar year granted to an educational service district employee pursuant to RCW 1.16.050.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-022, filed 11/24/98, effective 12/25/98.]

WAC 392-126-025 Definition—Employee. As used in this chapter, "employee" means any school district or educational service district employee entitled to use and accrue annual and/or sick leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-025, filed 8/21/90, effective 9/21/90.]

WAC 392-126-026 Definition—Service in the uniformed services. "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and

includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-176, § 392-126-026, filed 8/23/05, effective 9/23/05.]

WAC 392-126-027 Definition—Uniformed services. "Uniformed services" means the armed forces, the Army National Guard, and the Air National Guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time National Guard duty, or state active duty, the commissioned corps of the Public Health Service, the Coast Guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-176, § 392-126-027, filed 8/23/05, effective 9/23/05.]

WAC 392-126-030 Definition—District. As used in this chapter, "district" means a school district or an educational service district.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-030, filed 8/21/90, effective 9/21/90.]

WAC 392-126-035 Definition—Leave recipient. As used in this chapter, "leave recipient" means a current employee who has an approved application to receive shared leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-035, filed 8/21/90, effective 9/21/90.]

WAC 392-126-040 Definition—Leave donor. As used in this chapter, "leave donor" means an employee who has an approved written request for the transfer of annual leave, sick leave, or personal holiday to the shared leave program.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-040, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-040, filed 8/21/90, effective 9/21/90.]

WAC 392-126-045 Definition—Donated annual leave. As used in this chapter, "donated annual leave" means the amount of annual leave donated by a leave donor under the shared leave program.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-045, filed 8/21/90, effective 9/21/90.]

WAC 392-126-050 Definition—Donated sick leave. As used in this chapter, "donated sick leave" means the amount of sick leave donated by a leave donor under the shared leave program.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-050, filed 8/21/90, effective 9/21/90.]

WAC 392-126-053 Definition—Donated personal holiday. As used in this chapter, "donated personal holiday" means the amount of personal holiday donated by a leave

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donor under the shared leave program of an educational service district pursuant to RCW 1.16.050.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-053, filed 11/24/98, effective 12/25/98.]

WAC 392-126-055 Definition—Employee's relative. As used in this chapter, "employee's relative" means the leave recipient's spouse, child, stepchild, grandchild, grandparent, parent, sibling, or other close relative by blood or marriage.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-055, filed 8/21/90, effective 9/21/90.]

WAC 392-126-060 Definitions—Household members. As used in this chapter, "household members" means those persons who reside in the same home as a family unit. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-060, filed 8/21/90, effective 9/21/90.]

WAC 392-126-065 Definition—Extraordinary or severe. As used in this chapter, "extraordinary or severe" means serious or extreme and/or life threatening.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-065, filed 8/21/90, effective 9/21/90.]

WAC 392-126-070 Permissibility of shared leave program. Pursuant to RCW 28A.400.380 districts may institute a shared leave program for employees. This chapter shall govern such programs.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-070, filed 8/21/90, effective 9/21/90.]

WAC 392-126-075 Eligibility. In the event a district implements a shared leave program, an employee shall be eligible to receive shared leave under the following conditions:

(1) The employee's job is one in which annual leave, sick leave, or personal holiday can be used and accrued.

(2) The employee is not eligible for time loss compensation under chapter 51.32 RCW.

(3) The employee has abided by district policies regarding the use of sick leave.

(4) The employee has exhausted, or will exhaust, his or her annual leave, sick leave and personal holiday.

(5) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate district employment.

(6) Leave sharing is limited to transfers from employees within the same employing district.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-075, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-075, filed 8/21/90, effective 9/21/90.]

WAC 392-126-080 Donation of annual leave. An employee may donate annual leave to specific individuals or pool using the following criteria:

(2007 Ed.)

(1) The employee may donate any amount of accrued annual leave provided the donation does not cause the employee's annual leave balance to fall below ten days. For the purpose of this section, annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(2) Employees may not donate excess annual leave that the donor would not be able to take because of an approaching date after which the annual leave cannot be used.

(3) All donated annual leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-080, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-080, filed 8/21/90, effective 9/21/90.]

WAC 392-126-085 Donation of sick leave. An employee may donate sick leave to specific individuals or pool using the following criteria:

(1) The employee must have accrued more than twenty-two days of sick leave.

(2) Employees may not donate an amount of sick leave that will result in his or her sick leave account going below twenty-two days.

(3) All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-176, § 392-126-085, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-085, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-085, filed 8/21/90, effective 9/21/90.]

WAC 392-126-087 Donation of personal holiday. An educational service district employee may donate part or all of his or her personal holiday to specific individuals or pool.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-087, filed 11/24/98, effective 12/25/98.]

WAC 392-126-090 Maximum amount. The district shall determine the amount of shared leave a leave recipient may receive and may only authorize an employee to use up to a maximum of two hundred sixty-one days of shared leave during total district employment. All forms of paid leave available for use by the recipient must be used prior to using shared leave.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-090, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-090, filed 8/21/90, effective 9/21/90.]

WAC 392-126-092 Repayment of shared leave used. An employee who uses leave that is transferred to him or her may not be required to repay the value of the leave that he or she used.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. 98-24-043 (Order 98-11), § 392-126-092, filed 11/24/98, effective 12/25/98.]

(2007 Ed.)

WAC 392-126-095 Documentation. The district shall require the employee or his or her legal representative, to submit, prior to approval or disapproval, documentation from a licensed physician or other authorized health care practitioner verifying the severe or extraordinary nature and expected duration of the condition, or orders verifying the employee has been called to service in the uniformed services.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-176, § 392-126-095, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-095, filed 8/21/90, effective 9/21/90.]

WAC 392-126-099 Calculation of shared leave benefit—Proration. Shared leave shall be calculated as follows:

(1) The leave recipient shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The dollar value of the leave shall be converted from the donor to the recipient. The leave received shall be coded as shared leave and shall be maintained separately from all other leave balances.

(2) In the alternative the dollar value of the leave donated shall be ignored and the leave shall be calculated on a day donated and day received basis.

(3) Regardless of which basis is used to calculate and account for shared leave, in the event the district determines that unused shared leave should be returned to leave donors, the district shall develop a plan for prorated return of both annual and sick leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-099, filed 8/21/90, effective 9/21/90.]

WAC 392-126-104 Annual conversion of accumulated sick leave. The provisions of this chapter shall not reduce the ability of the employee to convert accumulated sick leave under WAC 392-136-015.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-104, filed 8/21/90, effective 9/21/90.]

FINANCE—PARTNERSHIPS AMONG SMALL SCHOOL DISTRICTS

WAC 392-126-400 Authority. The authority for this chapter is RCW 28A.340.060(1) which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary to implement the cooperative partnerships among small school districts program.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-126-400, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-400, filed 12/20/89, effective 1/20/90.]

WAC 392-126-405 Purpose. The purpose of this chapter is to set forth the policies and procedures to implement the cooperative partnerships among small school districts program set forth in RCW 28A.340.010 through 28A.340.070.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-126-405, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-405, filed 12/20/89, effective 1/20/90.]

WAC 392-126-410 Definition—Eligible school districts. As used in this chapter, "eligible school district" means a school district eligible for funding as a small high

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school district pursuant to the state Omnibus Appropriations Act in effect when the school districts are approved for participation in a cooperative project.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-410, filed 12/20/89, effective 1/20/90.]

WAC 392-126-415 Definition—School year. As used in this chapter, "school year" means the same defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-415, filed 12/20/89, effective 1/20/90.]

WAC 392-126-420 Application process. Eligible school districts may apply to participate in a cooperative partnership for a period of five years. If additional eligible school districts wish to join the cooperative partnership at a later date, the cooperative partnership shall reapply as a whole. The application shall be reviewed by the superintendent of public instruction for the following:

(1) The granting of waivers from rules and regulations; and

(2) Technical accuracy.

The applicant school districts may not commence the proposed cooperative partnership until the superintendent of public instruction has completed the review of the application: Provided, That for those cooperative programs approved by the superintendent of public instruction pursuant to RCW 28A.03.448 through 28A.03.450 shall be allowed to continue operations until they have had applications reviewed by the superintendent of public instruction.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-420, filed 12/20/89, effective 1/20/90.]

WAC 392-126-425 Application process—Content of cooperative partnership application. The cooperative partnership application will include the following:

(1) A description of the cooperative project, including the programs, services, and administrative activities to be jointly operated;

(2) The improvements in curriculum offerings and educational opportunities expected to result from the establishment of the cooperative project;

(3) A list of statutory requirements or administrative rules which act as financial disincentives to the establishment and/or would impede the operation of the cooperative project;

(4) The financial impact to the school districts and the state that would result from the waiving of the statutory requirement or administrative rules;

(5) An assessment of community support for the proposed cooperative project, including an assessment of each affected community; and

(6) A plan for evaluating the educational and cost-effectiveness of the proposed cooperative project. The evaluation plan shall include a means of evaluating curriculum offerings and staffing patterns.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-425, filed 12/20/89, effective 1/20/90.]

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WAC 392-126-430 Application process—Waivers from rules and regulations. The superintendent of public instruction may grant waivers for five years from rules and regulations if they meet the following conditions:

(1) That the rules and regulations have been adopted by the superintendent of public instruction pursuant to express statutory authority;

(2) That waiving the rules will not affect the health, safety, or civil rights of students, parents, or staff; and

(3) That the request for waiver has been expressly stated in the cooperative partnership application.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-430, filed 12/20/89, effective 1/20/90.]

WAC 392-126-435 Reporting process. Each school district participating in cooperative partnership shall submit the following reports:

(1) By September 1 of the third school year of continuous operation, a report on the progress of the cooperative partnership in meeting the objectives set forth in the application pursuant to WAC 392-126-425.

(2) By September 1 of the fifth school year of continuous operation, a report evaluating the success of the cooperative partnership in meeting the objectives set forth in the application submitted pursuant to WAC 392-126-425.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-435, filed 12/20/89, effective 1/20/90.]

WAC 392-126-440 Reporting process—Reapplication. The report submitted pursuant to WAC 392-126-435(2) may include an application for continuation of the cooperative partnership. The contents of this application will conform to the requirements set forth in WAC 392-126-425 and will be subject to review by the superintendent of public instruction set forth in WAC 392-126-420.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-440, filed 12/20/89, effective 1/20/90.]

Chapter 392-127 WAC

FINANCE—CERTIFICATED INSTRUCTIONAL STAFF RATIO (46:1000) COMPLIANCE

WAC

AUTHORITY AND PURPOSE

392-127-004	Authority.
392-127-006	Purpose.
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392-127-075	General provisions.
392-127-080	School district reporting—Required reports.
392-127-085	School district reporting—Optional report—Staff changes.
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- 392-127-111 Calculation of penalty for failure to maintain staffing ratio.
- 392-127-112 Reporting by the superintendent of public instruction.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 392-127-003 Termination date. [Statutory Authority: RCW 28A.58.095. 88-03-004 (Order 88-2), § 392-127-003, filed 1/8/88.] Repealed by 90-12-078 (Order 10), filed 6/1/90, effective 7/2/90. Statutory Authority: RCW 28A.41.170(1).
- 392-127-005 Authority. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-005, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-005, filed 8/13/84.] Repealed by 90-12-078 (Order 10), filed 6/1/90, effective 7/2/90. Statutory Authority: RCW 28A.41.170(1).
- 392-127-010 Purpose. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-010, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-010, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-010, filed 8/13/84.] Repealed by 90-12-078 (Order 10), filed 6/1/90, effective 7/2/90. Statutory Authority: RCW 28A.41.170(1).
- 392-127-030 Current school year—Definition. [Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-030, filed 6/1/90, effective 7/2/90.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
- 392-127-035 Following school year—Definition. [Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-035, filed 6/1/90, effective 7/2/90.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
- 392-127-040 Academic year—Definition. [Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-040, filed 6/1/90, effective 7/2/90.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
- 392-127-050 Addition FTE—Definition. [Statutory Authority: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-050, filed 2/13/96, effective 3/15/96. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-050, filed 6/1/90, effective 7/2/90.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
- 392-127-055 Reduction FTE—Definition. [Statutory Authority: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-055, filed 2/13/96, effective 3/15/96. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-055, filed 6/1/90, effective 7/2/90.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
- 392-127-060 Reassignment FTE—Definition. [Statutory Authority: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-060, filed 2/13/96, effective 3/15/96. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-060, filed 6/1/90, effective 7/2/90.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
- 392-127-095 Initial report by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-095, filed 6/1/90, effective 7/2/90.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
- 392-127-100 Definition—Day. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-100, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-101 Interim report by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-101, filed 6/1/90, effective 7/2/90.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
- 392-127-105 Definition—Current school year. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-105, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

- 392-127-106 Final report by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-106, filed 6/1/90, effective 7/2/90.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
- 392-127-110 Definition—Prior school year. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-110, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-115 Definition—Revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-115, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-120 Definition—LEAP Document 1. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-120, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-200 Definition—Certificated employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-200, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-205 Definition—Full-time equivalent certificated employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-205, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-210 Definition—Form S-275. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-210, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-215 Definition—Report S-727. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-215, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-225 Definition—Certificated staff salaries. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-225, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-235 Definition—Certificated insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-235, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-240 Definition—Certificated exempt employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-240, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-245 Definition—Certificated supervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-245, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-250 Definition—Certificated nonsupervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-250, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-255 Definition—Certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-255, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-255, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-260 Definition—Certificated Group II. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-260, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-260, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-264 Definition—Prior school year certificated professional experience and educational preparation. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-264, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

392-127-265	Definition—Current school year certificated professional experience and educational preparation. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-265, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-265, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.		
392-127-268	Definition—Certificated administrative group staff mix factor. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-268, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-300	Definition—Classified employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-300, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-270	Definition—Converted prior school year certificated highest monthly salary. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-270, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-270, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-305	Definition—Full-time equivalent classified employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-305, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-271	Definition—Current school year certificated highest monthly salary. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-271, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-310	Definition—Form S-277. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-310, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-275	Definition—Converted prior school year certificated average annualized salary for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-275, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-275, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-315	Definition—Report S-730. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-315, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-280	Definition—Current school year certificated average annualized salary for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-280, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-280, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-325	Definition—Classified staff salaries. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-325, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-285	Definition—Prior school year certificated group salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-285, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-335	Definition—Classified insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-335, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-286	Definition—Allowed salary increase percent for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-286, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-340	Definition—Classified exempt employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-340, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-287	Definition—Actual salary increase percent for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-287, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-345	Definition—Classified supervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-345, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-290	Definition—Current school year certificated group salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-290, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-350	Definition—Classified nonsupervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-350, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-295	Definition—Prior school year certificated average annual insurance benefits for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-295, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-295, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-295, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-355	Definition—Classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-355, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-355, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-296	Definition—Current school year certificated average annual insurance benefits for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-296, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-296, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-360	Definition—Classified Group II. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-360, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-360, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-297	Definition—Form 1079A. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-297, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09),	392-127-364	Definition—Prior school year classified years of experience. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-364, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
		392-127-365	Definition—Current school year classified years of experience. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-365, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-365, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
		392-127-368	Definition—District classified administrative group increment mix factor. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-368, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
		392-127-370	Definition—Converted prior school year classified highest hourly rate. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-370, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-370, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09),

	09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.		
392-127-371	Definition—Current school year classified highest hourly rate. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-371, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-515	filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095. Certificated group compliance process—Provision of information to ensure compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-515, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-375	Definition—Converted prior school year classified average annualized salary—For the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-375, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-375, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-520	Certificated group compliance process—Precomplaint conference. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-520, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-380	Definition—Current school year classified average annualized salary for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-380, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-380, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-525	Certificated group compliance process—Criteria for filing of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-525, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-385	Definition—Prior school year classified salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-385, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-530	Certificated group compliance process—Filing of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-530, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-386	Definition—Allowed salary increase percent for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-386, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-535	Certificated group compliance process—Informal review by the superintendent of public instruction. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-535, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-387	Definition—Actual salary increase percent for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-387, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-540	Certificated group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-540, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-390	Definition—Current school year classified group salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-390, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-545	Certificated administrative group compliance process—Compliance of average salary. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-545, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-545, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-395	Definition—Prior school year classified average annual insurance benefits for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-395, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-395, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-395, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-550	Certificated administrative group compliance process—Compliance for insurance benefits—Direct comparison. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-550, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-550, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-550, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-396	Definition—Current school year classified average annual insurance benefits for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-396, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-396, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-551	Certificated administrative group compliance—No insurance benefit increases constitute compliance for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-551, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-397	Definition—Form 1079B. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-397, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-555	Certificated administrative group compliance process—Compliance for insurance benefits—Salary trade. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-555, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-555, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-500	Certificated group compliance process—School district requirements for filing of information regarding certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-500, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-560	Certificated group compliance process—Final determination of complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-560, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-505	Certificated group compliance process—School district requirements for filing of information regarding certificated salaries. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-505, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-565	Certificated administrative group compliance process—Calculation of penalty for noncompliance on salaries. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-565, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-565, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-565, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-510	Certificated group compliance process—School district requirements for filing of information regarding certificated insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-510,	392-127-570	Certificated administrative group compliance process—Calculation of penalty for noncompliance on insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-570, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-570, filed

	8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.		
392-127-575	Certificated group compliance process—Return to compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-575, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-640	Classified group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-640, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-576	Certificated administrative group compliance process—Reporting cycle—Certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-576, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-645	Classified administrative group compliance process—Compliance of average salary. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-645, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-645, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-577	Certificated administrative group compliance process—Reporting cycle—District initial edit of the certificated administrative group personnel data. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-577, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-650	Classified administrative group compliance process—Compliance of insurance benefits—Direct comparison. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-650, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-650, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-650, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-578	Certificated administrative group compliance process—Reporting cycle—Data analysis and determination of need for additional information. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-578, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-651	Classified administrative group compliance—No insurance benefit increases constitute compliance for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-651, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-579	Certificated administrative group compliance process—Reporting cycle—Review of additional information. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-579, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-655	Classified administrative group compliance process—Compliance of insurance benefits—Salary trade. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-655, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-655, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-580	Certificated administrative group compliance process—Reporting cycle—District subsequent changes of data. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-580, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-660	Classified group compliance process—Final determination of complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-660, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-600	Classified group compliance process—School district requirements for filing of information regarding classified staff. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-600, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-665	Classified administrative group compliance process—Calculation of penalty for noncompliance on salaries. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-665, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-665, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-665, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-605	Classified group compliance process—School district requirements for filing of information regarding classified salaries. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-605, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-670	Classified administrative group compliance process—Calculation of penalty for noncompliance on insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-670, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-670, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-610	Classified group compliance process—School district requirements for filing of information regarding insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-610, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-675	Classified group compliance process—Return to compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-675, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
392-127-615	Classified group compliance process—Provision of information to ensure compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-615, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-676	Classified administrative group compliance process—Reporting cycle—Classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-676, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-620	Classified group compliance process—Precomplaint conference. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-620, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-677	Classified administrative group compliance process—Reporting cycle—District initial edit of the classified administrative group personnel data. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-677, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-127-625	Classified group compliance process—Criteria for filing of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-625, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.	392-127-678	Classified administrative group compliance process—Reporting cycle data analysis and determination of need for additional information. [Statutory Authority: RCW
392-127-630	Classified group compliance process—Filing of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-630, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.		
392-127-635	Classified group compliance process—Informal review by the superintendent of public instruction. [Statutory		

	28A.58.095. 86-21-092 (Order 86-17), § 392-127-678, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-127-750	Annual notice to students and parents. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-750, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
392-127-679	Classified administrative group compliance process—Reporting cycle—Review of additional information. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-679, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.-095.	392-127-755	Enrollment—General requirements and conditions. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-755, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
392-127-680	Classified administrative group compliance process—Reporting cycle—District subsequent changes of data. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-680, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.-095.	392-127-760	Enrollment—1990-91 and 1991-92 school years—Limitations on community college and student participation. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-760, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
392-127-700	Authority. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-700, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.	392-127-765	Enrollment—1990-91 school year—Limitation on vocational-technical institute participation. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-765, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
392-127-703	Purpose. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-703, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.	392-127-770	Enrollment—High school credit—Prior confirmation. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-770, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
392-127-705	Running start program—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-705, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.	392-127-775	Enrollment—Extent and duration. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-775, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
392-127-710	Eligible student—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-710, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.	392-127-780	Academic standards and discipline—Jurisdiction of educational agencies. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-780, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
392-127-715	Full-time equivalent high school and vocational-technical institute students—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-715, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.	392-127-785	Compliance with federal and state requirements of law—Special education program requirements—Necessary cooperative agreements. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-785, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
392-127-720	Full-time equivalent community college student—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-720, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.	392-127-790	High school credit—Award by school districts. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-790, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.-390, 28A.150.260 and [28A.150.]290.
392-127-725	Annual average full-time equivalent student—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-725, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.	392-127-795	Finance—Generation of state and federal moneys. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-795, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.-390, 28A.150.260 and [28A.150.]290.
392-127-730	Community college district—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-730, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.-390, 28A.150.260 and [28A.150.]290.	392-127-800	Finance—Community college and vocational-technical institute reporting requirements. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-800, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
392-127-735	Community college—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-735, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.	392-127-805	Finance—School district reporting requirements. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-805, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.-390, 28A.150.260 and [28A.150.]290.
392-127-740	School district—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-740, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.	392-127-810	Finance—Limitations on enrollment counts. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-810, filed 1/23/91, effective 2/23/91.] Repealed by 00-02-064, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2).
392-127-745	Vocational-technical institute—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-745, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.-390, 28A.150.260 and [28A.150.]290.		

- 392-127-815 Finance—Apportionment and payment of basic education allocation moneys to community college districts and other school districts. [Statutory Authority: RCW 28A.600.390, 91-03-129 (Order 1), § 392-127-815, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-820 Finance—Prior legislative approval of finance rules required. [Statutory Authority: RCW 28A.600.390, 91-03-129 (Order 1), § 392-127-820, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-825 Current and future community college enrollment alternatives not affected. [Statutory Authority: RCW 28A.600.390, 91-03-129 (Order 1), § 392-127-825, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-830 Current and future vocational-technical institute enrollment alternatives not affected. [Statutory Authority: RCW 28A.600.390, 91-03-129 (Order 1), § 392-127-830, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.

AUTHORITY AND PURPOSE

WAC 392-127-004 Authority. The authority for this chapter is RCW 28A.150.290(1) which empowers the superintendent of public instruction to make such rules and regulations as are necessary for the administration of chapter 28A.150 RCW, including RCW 28A.150.100(2) which sets forth for each school district as a minimum, a ratio in the basic education program of forty-six certificated instructional staff per one thousand annual average full-time equivalent students.

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-127-004, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170(1), 90-12-078 (Order 10), § 392-127-004, filed 6/1/90, effective 7/2/90.]

WAC 392-127-006 Purpose. The purpose of this chapter is to set forth the policies and procedures used by the superintendent of public instruction to determine the following:

(1) Compliance of school districts with the statutory ratio of certificated instructional staff per one thousand full-time equivalent students in kindergarten through twelfth grade set forth in RCW 28A.150.100(2).

(2) The monetary penalty associated with not maintaining this ratio.

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-127-006, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170(1), 90-12-078 (Order 10), § 392-127-006, filed 6/1/90, effective 7/2/90.]

WAC 392-127-011 Other ratio requirements. School districts are advised that compliance with this chapter does not ensure compliance with the following statutes:

(1) RCW 28A.150.250, which requires that the ratio of students per classroom teacher in kindergarten through third grade be no greater than the ratio of students per classroom teacher in fourth through twelfth grade.

(2) The Biennial Operating Appropriations Act which sets forth a staffing and funding process to increase certificated instructional staff ratios in kindergarten through fourth grade to a level greater than that provided in statute.

[Title 392 WAC—p. 118]

[Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2). 00-02-064, § 392-127-011, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290, 96-05-022 (Order 96-03), § 392-127-011, filed 2/13/96, effective 3/15/96. Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-127-011, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170(1), 90-12-078 (Order 10), § 392-127-011, filed 6/1/90, effective 7/2/90.]

DEFINITIONS

WAC 392-127-015 FTE enrollment—Definition. As used in this chapter, "full-time equivalent enrollment" means for the period selected by a school district, the total full-time equivalent students reported by a school district pursuant to WAC 392-121-122 excluding running start and University of Washington transition school students reported pursuant to subsections (3) and (4) of that section.

[Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2). 00-02-064, § 392-127-015, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290, 96-05-022 (Order 96-03), § 392-127-015, filed 2/13/96, effective 3/15/96. Statutory Authority: RCW 28A.150.290 and 28A.150.100(2), 93-21-089 (Order 93-18), § 392-127-015, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170(1), 90-12-078 (Order 10), § 392-127-015, filed 6/1/90, effective 7/2/90.]

WAC 392-127-020 S-275—Definition. As used in this chapter, "S-275" means the S-275 reporting process defined in WAC 392-121-220.

[Statutory Authority: RCW 28A.150.290, 96-05-022 (Order 96-03), § 392-127-020, filed 2/13/96, effective 3/15/96. Statutory Authority: RCW 28A.41.170(1), 90-12-078 (Order 10), § 392-127-020, filed 6/1/90, effective 7/2/90.]

WAC 392-127-025 School year—Definition. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.41.170(1), 90-12-078 (Order 10), § 392-127-025, filed 6/1/90, effective 7/2/90.]

WAC 392-127-045 FTE basic education certificated instructional employee—Definition. As used in this chapter, "full-time equivalent basic education certificated instructional employee" means for a basic education certificated instructional employee as defined in WAC 392-121-210 the full-time equivalent calculated pursuant to WAC 392-121-215.

[Statutory Authority: RCW 28A.41.170(1), 90-12-078 (Order 10), § 392-127-045, filed 6/1/90, effective 7/2/90.]

WAC 392-127-065 Supplemental FTE staff—Definition. As used in this chapter, "supplemental full-time equivalent staff" means the net change in full-time equivalents for basic education certificated instructional employees after October 1 of the school year and not reflected in Report S-275. Supplemental full-time equivalent staff are determined as follows:

(1) Determine the basic education certificated instructional FTE that would be reported for each employee for the school year on Report S-275 if the current date were substituted for the October 1 snapshot date as required in S-275 instructions and subtract the basic education certificated instructional FTE as of October 1 actually reported for the employee on the school district's most current Report S-275.

(2007 Ed.)

(2) Include decreases as well as increases in staff after October 1 and not reflected in Report S-275. Decreases include terminations, retirements, unpaid leave, and reassignment of staff.

[Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2). 00-02-064, § 392-127-065, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-065, filed 6/1/90, effective 7/2/90.]

WAC 392-127-070 Basic education certificated instructional staff ratio—Definition. As used in this chapter, "basic education certificated instructional staff ratio" means the following calculation:

(1) Add the full-time equivalent basic education certificated instructional employees as reported on the S-275 and any supplemental full-time equivalent staff reported to the superintendent of public instruction;

(2) Divide the result obtained in subsection (1) of this section by the full-time equivalent enrollment for October or that period selected by the school district; and

(3) Multiply the result obtained in subsection (2) of this section by one thousand.

[Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2). 00-02-064, § 392-127-070, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-070, filed 2/13/96, effective 3/15/96. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-070, filed 6/1/90, effective 7/2/90.]

OPERATIVE PROVISIONS

WAC 392-127-075 General provisions. The following general provisions apply to this chapter:

(1) All calculations made by the superintendent of public instruction shall use the most current school district information for the school year on file with the superintendent of public instruction at the time of the calculation.

(2) Full-time equivalent staff shall be rounded to the nearest three decimal places.

(3) Full-time equivalent enrollment shall be rounded to the nearest two decimal places.

(4) Ratios of full-time equivalent staff to students shall be expressed as a ratio of staff to one thousand students and shall be rounded to two decimal places (e.g., 51.21/1000).

(5) School districts shall have available upon request by the superintendent of public instruction and for audit purposes, such documentation as necessary to support all data reported to the superintendent of public instruction pursuant to this chapter.

(6) The superintendent of public instruction will develop and make available such forms, reports, and other documents necessary to implement this chapter.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-075, filed 6/1/90, effective 7/2/90.]

WAC 392-127-080 School district reporting—Required reports. On or before the Wednesday prior to Thanksgiving of each school year, each school district shall submit to the superintendent of public instruction on the S-275 the school district's full-time equivalent basic education certificated instructional staff for the current school year.

[Statutory Authority: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-080, filed 2/13/96, effective 3/15/96. Statutory Authority: RCW (2007 Ed.)

28A.41.170(1). 90-12-078 (Order 10), § 392-127-080, filed 6/1/90, effective 7/2/90.]

WAC 392-127-085 School district reporting—Optional report—Staff changes. At any time prior to September 30 following the end of a school year, school districts may report to the superintendent of public instruction supplemental full-time equivalent staff for the school year pursuant to WAC 392-127-065 and instructions provided by the superintendent.

[Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2). 00-02-064, § 392-127-085, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-085, filed 6/1/90, effective 7/2/90.]

WAC 392-127-090 School district reporting—Optional report—Enrollment changes. A school district may request that the superintendent of public instruction use a different full-time equivalent enrollment to compute staffing ratios than that reported for October. The school district shall request the use of a different enrollment period prior to September 30 of the following school year. The school district may select either one of the following:

(1) The full-time equivalent enrollment for any one month during the current school year; or

(2) The annual average full-time equivalent enrollment for the current school year.

[Statutory Authority: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-090, filed 2/13/96, effective 3/15/96. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-090, filed 6/1/90, effective 7/2/90.]

WAC 392-127-111 Calculation of penalty for failure to maintain staffing ratio. For those school districts with a basic education certificated instructional staff ratio of less than forty-six, the superintendent shall reduce the district's basic education general apportionment entitlement for the school year by the amount determined as follows:

(1) Subtract the current school year final basic education certificated instructional staff ratio as reported to the school district from forty-six;

(2) Multiply the result obtained in subsection (1) of this section by the current school year full-time equivalent enrollment and further divide by one thousand; and

(3) Multiply the result obtained in subsection (2) of this section by the school district's average salary, average mandatory fringe benefits, and health insurance benefits per certificated instructional staff unit used for the purpose of calculating the school district's general apportionment entitlement for the current school year.

[Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2). 00-02-064, § 392-127-111, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-111, filed 6/1/90, effective 7/2/90.]

WAC 392-127-112 Reporting by the superintendent of public instruction. With each monthly apportionment payment for the school year beginning in January, the superintendent of public instruction shall show calculations of the district's basic education certificated instructional staff ratio and any penalty calculated pursuant to WAC 392-127-111. Calculations shall be based on the most current data from the

district's Report S-275 and any optional reports received by the superintendent of public instruction by the 15th of the month.

[Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2). 00-02-064, § 392-127-112, filed 1/3/00, effective 2/3/00.]

Chapter 392-129 WAC

FINANCE—EMERGENCY SCHOOL CLOSURE

WAC

392-129-003	Authority.
392-129-005	Purpose.
392-129-008	Construction of chapter.
392-129-010	Definition—School day.
392-129-015	Definition—Vacation day.
392-129-020	Definition—School year.
392-129-030	Definition—Current school year.
392-129-035	Definition—Preceding school year.
392-129-040	Definition—Prior school year.
392-129-045	Definition—Natural event.
392-129-050	Definition—Mechanical failure.
392-129-060	Definition—Action or inaction by one or more persons.
392-129-065	Definition—Unforeseen.
392-129-070	Definition—Foreseeable.
392-129-080	Definition—Foreseeable school closure days.
392-129-090	Definition—District-wide emergency closure.
392-129-100	Definition—School emergency closure.
392-129-105	Definition—Reasonable effort.
392-129-110	Definition—Annual average full-time equivalent students.
392-129-115	Separate consideration given to the kindergarten and first through twelfth grade programs.
392-129-120	Application of chapter to half-day kindergarten programs.
392-129-125	District-wide emergency closure—School district application to the superintendent of public instruction.
392-129-130	District-wide emergency closure—Superintendent of public instruction's determination of eligibility.
392-129-135	District-wide emergency closure—Implementation of superintendent of public instruction's determination of eligibility.
392-129-140	School emergency closure—School district application to the superintendent of public instruction.
392-129-145	School emergency closure—Superintendent of public instruction's determination of eligibility.
392-129-150	School emergency closure—Implementation of superintendent of public instruction's determination of eligibility.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-129-013	Application to superintendent of public instruction. [Statutory Authority: RCW 28A.41.170. 86-08-076 (Order 86-4), § 392-129-013, filed 4/2/86; 84-13-023 (Order 84-13), § 392-129-013, filed 6/13/84.] Repealed by 90-01-141 (Order 22), filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170(2).]
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WAC 392-129-003 Authority. The authority for this chapter is RCW 28A.150.290(2) which authorizes the superintendent of public instruction to establish the terms and conditions for allowing a school district to receive an allocation of state moneys when the school district is unable, due to an unforeseen emergency, to fulfill the following statutory requirements:

- (1) One hundred eighty days of operation; or
- (2) The total program hour offerings, teacher contact hours, or course mix and percentage requirements imposed by law.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-129-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-003, filed 12/20/89, effective 1/20/90. Statu-

tory Authority: RCW 28A.41.170. 87-19-060 (Order 87-11), § 392-129-003, filed 9/15/87.]

WAC 392-129-005 Purpose. This chapter shall govern a school district's entitlement to allocations of state moneys pursuant to RCW 28A.150.290(2) for any school year during which it is unable to conduct the kindergarten program, first through twelfth grade program, or both due to one or more unforeseen emergencies such that the following statutory requirements cannot be met:

- (1) The minimum number of school days; and/or
- (2) Program hour offerings, teacher contact hours, and course mix and percentages.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-129-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-005, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 81-21-002 (Order 81-26), § 392-129-005, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-005, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-005, filed 12/22/75. Formerly WAC 392-14-010.]

WAC 392-129-008 Construction of chapter. The provisions of this chapter shall be narrowly construed by the superintendent of public instruction.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-008, filed 12/20/89, effective 1/20/90.]

WAC 392-129-010 Definition—School day. As used in this chapter, "school day" means the same as defined in WAC 392-121-033.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-010, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 82-16-039 (Order 82-9), § 392-129-010, filed 7/28/82; 81-21-002 (Order 81-26), § 392-129-010, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-010, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-010, filed 12/22/75. Formerly WAC 392-14-020.]

WAC 392-129-015 Definition—Vacation day. As used in this chapter, "vacation day" means a day other than:

- (1) A school day;
- (2) A school holiday defined in RCW 28A.150.050;
- (3) Saturday unless actually used for a school day; or
- (4) An inservice day for employees of the school district that:

- (a) Was scheduled prior to the unforeseen school closure; and
- (b) Was actually used for that purpose.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-129-015, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-015, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 81-21-002 (Order 81-26), § 392-129-015, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-015, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-015, filed 12/22/75. Formerly WAC 392-14-030.]

WAC 392-129-020 Definition—School year. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-020, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 81-21-002 (Order 81-26), § 392-129-020, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-020, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-020, filed 12/22/75. Formerly WAC 392-14-040.]

WAC 392-129-030 Definition—Current school year.

As used in this chapter, "current school year" means the same as defined in WAC 392-139-052.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-030, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 85-09-019 (Order 85-2), § 392-129-030, filed 4/10/85.]

WAC 392-129-035 Definition—Preceding school year.

As used in this chapter, "preceding school year" means the school year immediately preceding the current school year.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-035, filed 12/20/89, effective 1/20/90.]

WAC 392-129-040 Definition—Prior school year.

As used in this chapter, "prior school year" means any one of nine school years immediately preceding the preceding school year.

[Statutory Authority: RCW 28A.150.290(2) and 28A.335.030. 90-19-039 (Order 27), § 392-129-040, filed 9/13/90, effective 10/14/90. Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-040, filed 12/20/89, effective 1/20/90.]

WAC 392-129-045 Definition—Natural event.

As used in this chapter, "natural event" means, but is not limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-045, filed 12/20/89, effective 1/20/90.]

WAC 392-129-050 Definition—Mechanical failure.

As used in this chapter, "mechanical failure" means a discontinuation or disruption of utilities such as heating, lighting, or water beyond the control of a school district board of directors and its employees.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-050, filed 12/20/89, effective 1/20/90.]

WAC 392-129-060 Definition—Action or inaction by one or more persons. As used in this chapter, "action or inaction by one or more persons" means, but is not limited to, arson, vandalism, riots, insurrections, bomb threats, bombing, or delays in the scheduled completion of construction projects beyond the control of a school district board of directors and its employees. It shall not mean any labor dispute between a school district board of directors and any employee.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-060, filed 12/20/89, effective 1/20/90.]

WAC 392-129-065 Definition—Unforeseen. As used in this chapter, "unforeseen" means the extent that a reasonably prudent person could not have anticipated, prior to August 1st of the preceding school year, that natural events, mechanical failures, or actions or inactions by one or more persons would probably occur during the current school year due to the occurrence of an event or circumstances during a preceding or prior school year.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-065, filed 12/20/89, effective 1/20/90.]

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WAC 392-129-070 Definition—Foreseeable. As used in this chapter, "foreseeable" means the extent that a reasonably prudent person could have anticipated prior to August 1st of the preceding school year, that natural events, mechanical failures, or actions or inactions by one or more persons would probably occur during the current school year due to the occurrence of an event or circumstances during a preceding or prior school year.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-070, filed 12/20/89, effective 1/20/90.]

WAC 392-129-080 Definition—Foreseeable school closure days. As used in this chapter, "foreseeable school closure days" means those days that are foreseeable in order to provide the school district with the ability to make up lost school days due to foreseeable natural events, mechanical failure, or action or inaction by one or more persons that would lead to all schools being unsafe, unhealthy, inaccessible, or inoperable.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-080, filed 12/20/89, effective 1/20/90.]

WAC 392-129-090 Definition—District-wide emergency closure. As used in this chapter, "district-wide emergency closure" means that all school buildings in the school district are unsafe, unhealthy, inaccessible, or inoperable due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-090, filed 12/20/89, effective 1/20/90.]

WAC 392-129-100 Definition—School emergency closure. As used in this chapter, "school emergency closure" means a school in the school district comprised of more than one school that is unsafe, unhealthy, inaccessible, or inoperable due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-100, filed 12/20/89, effective 1/20/90.]

WAC 392-129-105 Definition—Reasonable effort. As used in this chapter, "reasonable effort" means the:

- (1) Extension of the school year to and through June 14th; and
- (2) Use of scheduled vacation days and foreseeable school closure days, to attain the minimum number of school days and program hour offerings, teacher contact hours, and course mix and percentages required by law. In no case shall a school district be considered to have made a reasonable effort unless at least three school days and program hour offerings, teacher contact hours, and course mix percentage which have been lost have in fact been made up.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-105, filed 12/20/89, effective 1/20/90.]

WAC 392-129-110 Definition—Annual average full-time equivalent students. As used in this chapter, "annual average full-time equivalent students" means the same as defined in WAC 392-121-133.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-110, filed 12/20/89, effective 1/20/90.]

WAC 392-129-115 Separate consideration given to the kindergarten and first through twelfth grade programs. For the purpose of computing compliance with minimum school days, program hour offerings, or both resulting in a loss of allocations of state moneys, the kindergarten and the first through twelfth grade programs shall be considered separately.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-115, filed 12/20/89, effective 1/20/90.]

WAC 392-129-120 Application of chapter to half-day kindergarten programs. In the event a school district offers both a morning and afternoon kindergarten program and cancels either but not both the morning or afternoon session due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons, the school district shall be considered as having met the school day, program hour offering, teacher contact hours, and course mix percentages for the canceled session.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-120, filed 12/20/89, effective 1/20/90.]

WAC 392-129-125 District-wide emergency closure—School district application to the superintendent of public instruction. A school district applying for continuation of state support during a district-wide emergency closure will submit the following information:

- (1) The name of the school district;
- (2) The name of the superintendent of the school district;
- (3) A statement signed by the superintendent that:
 - (a) The school district board of directors has reviewed the application and supports its submittal; and
 - (b) Any foreseeable school closure days are not included in the request;
- (4) The unforeseen natural events, mechanical failures, or actions or inactions by one or more persons which caused the district-wide emergency closure;
- (5) The specific dates of the district-wide emergency closure; and
- (6) The specific dates that the school district has scheduled to make up the lost days.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-125, filed 12/20/89, effective 1/20/90.]

WAC 392-129-130 District-wide emergency closure—Superintendent of public instruction's determination of eligibility. The superintendent of public instruction shall review each application submitted for a district-wide closure to determine if a reasonable effort has been made to make up all school days and program hour offerings, teacher contact hours, and course mix percentages required by law lost due to the district-wide emergency closure.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-130, filed 12/20/89, effective 1/20/90.]

WAC 392-129-135 District-wide emergency closure—Implementation of superintendent of public instruction's determination of eligibility. If the superintendent of public instruction determines that the school district has made a reasonable effort to make up all school days and program hour offerings, teacher contact hours, and course

mix percentages required by law, the school district shall receive its full annual allocation of state moneys. If the superintendent of public instruction determines that the school district has not made a reasonable effort, the school district's annual allocation of state moneys shall be reduced by the number of days lost due to the district-wide emergency closure divided by one hundred eighty.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-135, filed 12/20/89, effective 1/20/90.]

WAC 392-129-140 School emergency closure—School district application to the superintendent of public instruction. A school district applying for continuation of state support during a school emergency closure will submit the following information:

- (1) The name of the school district;
- (2) The name of the superintendent of the school district;
- (3) A statement signed by the superintendent that the school district board of directors has reviewed the application and supports its submittal;
- (4) The name(s) of the individual schools which did not operate;
- (5) The unforeseen natural events, mechanical failures, or actions or inactions by one or more persons which caused the school emergency closure;
- (6) The specific dates of the school emergency closure; and
- (7) The specific dates that the school district has scheduled to make up the lost days.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-140, filed 12/20/89, effective 1/20/90.]

WAC 392-129-145 School emergency closure—Superintendent of public instruction's determination of eligibility. The superintendent of public instruction shall review each application submitted for a school closure to determine if the application provides a conclusive demonstration that one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons prevented the school district from operating the school. Whenever a school district provides a school day, it shall be considered as meeting all hours, as originally scheduled for that day, toward meeting its program hour offerings, teacher contact hours, and course mix percentage requirements.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-145, filed 12/20/89, effective 1/20/90.]

WAC 392-129-150 School emergency closure—Implementation of superintendent of public instruction's determination of eligibility. If the superintendent of public instruction determines that the school district has provided a conclusive demonstration that one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons prevented the school district from operating the school, the school district shall receive its full annual allocation of state moneys. However, the superintendent of public instruction may only excuse the school district for up to two scheduled school days per incident and not for more than three scheduled school days per school year. If the district did not conclusively demonstrate that it was prevented from

operating the school(s), its allocation of state moneys shall be reduced by:

(1) Dividing the number of days lost by one hundred eighty;

(2) Multiplying the result obtained in subsection (1) of this section by the annual average full-time equivalent enrollment in the school; and

(3) Dividing the result obtained in subsection (2) of this section by the annual average full-time equivalent enrollment in the school district.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-150, filed 12/20/89, effective 1/20/90.]

Chapter 392-132 WAC

FINANCE—NONHIGH PARTICIPATORY FINANCE—INCLUDING TRANSFER OF M AND O LEVY AUTHORITY FROM HIGH TO NONHIGH DISTRICTS

WAC

392-132-010	Authority.
392-132-020	Purposes.
392-132-030	Definitions.
392-132-040	Determining levy capacity transfer and amount due.
392-132-050	Annual determination of the billing amounts due in May and November installments of each year to a serving high school district from a served nonhigh school district.
392-132-060	Notice of assessment by high school district of a lesser amount or waiver of the entire amount.
392-132-070	Amount due includes expenditures for education and transportation.

WAC 392-132-010 Authority. This chapter is adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.545.110 and 84.52.0531(10). RCW 28A.545.110 provides that the superintendent of public instruction may adopt rules and regulations for the payments to high school districts for educating nonhigh district students. RCW 84.52.0531(10) provides that the superintendent of public instruction shall develop rules and regulations for the calculation of the excess maintenance and operation levy transfer from high school districts to nonhigh school districts.

[Statutory Authority: RCW 28A.545.110. 97-03-044, § 392-132-010, filed 1/10/97, effective 2/10/97. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-132-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-010, filed 6/13/84.]

WAC 392-132-020 Purposes. The purposes of this chapter are to provide the annual procedure that the superintendent of public instruction shall use for:

(1) Determining the amount due from nonhigh school districts for educating and transporting nonhigh district students; and

(2) Transferring maintenance and operating excess levy authority from the high to nonhigh district.

[Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-020, filed 6/13/84.]

WAC 392-132-030 Definitions. (1) "Estimated amount due" for a school year shall mean the result of the following calculation:

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The high school district's maintenance and operations excess levy that was certified as collectible for the calendar year in which the school year ends is divided by the estimated number of average annual full-time equivalent (AAFTE) students who reside within the boundaries of the high school district. That quotient is multiplied by the estimated number of AAFTE nonhigh district students enrolled in the serving high school district during the school year as reported on Form P-213.

(2) "Actual amount due" for a school year shall mean the result of the following calculation:

The high school district's maintenance and operations excess levy that was certified as collectible for the calendar year in which the school year ended is divided by the actual number of AAFTE students who resided within the boundaries of the high school district. That quotient is multiplied by the actual number of AAFTE nonhigh district students enrolled in the serving high school district during the school year as reported on Form P-213.

(3) "Estimated number of AAFTE students who reside within the boundaries of the high school district" during a school year shall mean the result of the following calculation:

Average the total number of AAFTE students served by the high school district reported on the Form P-223 available at the time of the calculation of the nonhigh billing. Subtract from this average the average number of AAFTE students attending the high school district's cooperative programs and reported as nonresident on Form P-223 available at the time of the calculation of the nonhigh bill. Also subtract all the estimated AAFTE nonhigh enrollment served by the nonhigh district as reported on Form P-213. Add the average number of AAFTE students who reside within the high school district who are attending cooperative programs in other school districts as reported on Form P-223 available at the time of the calculation of the nonhigh billing.

(4) "Actual number of AAFTE students who resided within the boundaries of the high school district" during a school year shall mean the result of the following calculation:

Subtract from the total AAFTE served by the high school district for a school year as reported on Form P-223 the nonresident AAFTE students served by the high school district for a school year as reported on Form P-223. Also subtract the actual AAFTE nonhigh enrollment served by the high school district as reported on Form P-213. Added to the resident enrollment count of the high school district is the number of AAFTE students who reside within the high school district who attended cooperative programs in other school districts and were reported as nonresident on Form P-223.

(5) "Nonhigh billing" shall mean the amount due to a high school district from a nonhigh school district for educating and transporting nonhigh district students.

(6) "P-213" shall have the same meaning as this is given in WAC 392-139-230.

(7) "Average annual full time equivalent students (AAFTE)" shall have the same meaning as this is given in WAC 392-121-133.

(8) "Annual determination of the excess maintenance and operation levy transfer from the high school district to the nonhigh school district for educating nonhigh school district students" shall have the same meaning as this is given in WAC 392-139-340.

[Statutory Authority: RCW 28A.545.110. 97-03-044, § 392-132-030, filed 1/10/97, effective 2/10/97. Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-030, filed 6/13/84.]

WAC 392-132-040 Determining levy capacity transfer and amount due. Pursuant to WAC 392-139-340, annually, the superintendent of public instruction shall make the necessary determinations and calculate (1) the excess maintenance and operation levy transfer from the high school district to the nonhigh school district, and (2) the amount due to the high school district by the nonhigh school district. The respective high and nonhigh school district shall be notified of the results of such determinations and calculations.

[Statutory Authority: RCW 28A.545.110. 97-03-044, § 392-132-040, filed 1/10/97, effective 2/10/97. Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-040, filed 6/13/84.]

WAC 392-132-050 Annual determination of the billing amounts due in May and November installments of each year to a serving high school district from a served nonhigh school district. During the month of May of the school year for which the amount is due, each served nonhigh district shall pay by warrant to each serving high school district fifty percent of the total estimated amount due for the school year. During the following November, each served nonhigh district shall pay by warrant to each serving high school district the actual amount due for the school year less the fifty percent of the total estimated amount due which was paid in the preceding May installment.

[Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-050, filed 6/13/84.]

WAC 392-132-060 Notice of assessment by high school district of a lesser amount or waiver of the entire amount. A high school district board of directors may elect to assess a nonhigh school district an amount which is less than the amount calculated in WAC 392-132-050 or waive the entire amount. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount or waiver no later than September first following the school year for which the amount is due.

[Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-060, filed 6/13/84.]

WAC 392-132-070 Amount due includes expenditures for education and transportation. Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts established as due by WAC 392-132-050 shall be the entire amount due from a nonhigh school district for the school year for the education and transportation of any and all handicapped and nonhandicapped students residing in the nonhigh school district who attend a high school district.

[Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-070, filed 6/13/84.]

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Chapter 392-134 WAC

FINANCE—APPORTIONMENT FOR PART-TIME PUBLIC SCHOOL ATTENDANCE

WAC

392-134-002	Authority.
392-134-003	Purpose.
392-134-005	Definitions.
392-134-010	Attendance rights of part-time public school students.
392-134-015	Enrollment practices and conditions.
392-134-020	Provision of educational program to part-time public school students—Reports—Sites.
392-134-025	State funding procedures.
392-134-030	Compliance with rules as a condition of state funding.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-134-001	Purposes. [Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-001, filed 4/15/80.] Repealed by 86-01-020 (Order 85-15), filed 12/9/85. Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145.
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WAC 392-134-002 Authority. The authority for this chapter is RCW 28A.150.350 which authorizes the superintendent of public instruction to adopt rules and regulations regarding part-time public school attendance.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-134-002, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-002, filed 12/9/85.]

WAC 392-134-003 Purpose. The purpose of this chapter is to implement the part-time public school attendance law.

[Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-003, filed 12/9/85.]

WAC 392-134-005 Definitions. As used in this chapter the term:

(1) "Ancillary service" shall mean any cocurricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which preschool through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities;

(2) "Course" shall mean any instructional curricular service or activity in which preschool through twelfth grade students are enrolled by a public school;

(3) "Part-time public school student" shall mean a student who is enrolled in a public school for less time than a "full-time equivalent student" as defined in chapter 392-121 WAC, as now or hereafter amended, and shall include:

(a) Private school students to the extent they are also enrolled in a public school as a student thereof for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services which is not available in the student's private school of attendance;

(b) Any student who is enrolled exclusively in a public school for the purpose of taking courses or receiving ancillary services and/or participating in a work training program approved by the board of directors of the district; and

(c) Any student who is participating in home-based instruction to the extent that the student is also enrolled in a public school for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services.

(4) "Private school" shall mean any nonpublic vocational school and any nonpublic school which provides instruction in any of the grades kindergarten through twelve inclusive of nonpublic sectarian (religious) schools;

(5) "Private school student" shall mean a student who is enrolled in a private school "full time" as defined by the private school of attendance; and

(6) "Home-based instruction" shall mean an instructional program established pursuant to RCW 28A.225.010(4).

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-134-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145, 86-01-020 (Order 85-15), § 392-134-005, filed 12/9/85. Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-005, filed 4/15/80.]

WAC 392-134-010 Attendance rights of part-time public school students. An eligible part-time public school student who qualifies as a resident of a public school district pursuant to the definition of a "resident student" set forth in chapter 392-137 WAC, as now or hereafter amended, shall be entitled to attend the schools of the district within his or her attendance area tuition free on a part-time basis. An eligible part-time public school student shall be entitled to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students. Eligible nonresident part-time public school students may be enrolled at the discretion of a public school district pursuant to the terms and procedures established for nonresident student attendance in chapter 392-137 WAC, as now or hereafter amended.

[Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-010, filed 4/15/80.]

WAC 392-134-015 Enrollment practices and conditions. Requests for part-time attendance shall be processed by a public school only when made by the student, the student's parent(s), or the student's guardian(s).

In addition, the enrollment of a part-time public school student who otherwise attends a private school shall be conditioned upon the certification by the student or by the student's parent(s) or guardian(s) as may be required by the public school, that:

(1) The student is a private school student; and

(2) The course and/or ancillary service for which enrollment is requested is not available at the private school of attendance.

[Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145, 86-01-020 (Order 85-15), § 392-134-015, filed 12/9/85. Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-015, filed 4/15/80.]

WAC 392-134-020 Provision of educational program to part-time public school students—Reports—Sites. (1) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public

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school students at the same level and quality as provided by the public school to full-time students;

(2) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students upon public school grounds or on sites which are controlled by a public school district and at the home or hospital where the student may be confined by reason of a physician [physical] disability or sickness. Courses and ancillary services shall not be provided upon or within any private sectarian (religious) school site or facility: Provided, That field trips and special events incident to the public school program which include participation by both full-time and part-time public school students may be conducted by a public school upon or within private sectarian school facilities;

(3) No test result, grade, or other evaluation of a part-time public school student's abilities, needs, and/or performance which is generated by a public school in connection with the student's attendance may be transmitted or communicated by a public school to a private school except upon the written request of a minor student's parent(s) or guardian(s) or upon the written request of the student if the student is eighteen years of age or older; and,

(4) Transportation between a part-time public school student's private school and a public school in which he/she is enrolled may not be provided to the student at the expense of a public school district in whole or part: Provided, That the following interschool transportation may be provided at the expense of a public school district:

(a) Transportation which is provided in connection with a part-time student's participation in field trips and special events permitted by subsection (2) of this section; and

(b) The transportation of part-time public school students which:

(i) Is necessary to comply with a condition to the receipt of federal funds; and

(ii) Is paid or reimbursed for with the federal funds to which the condition is attached, not state or local tax funds or revenues.

[Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145, 86-01-020 (Order 85-15), § 392-134-020, filed 12/9/85. Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-020, filed 4/15/80.]

WAC 392-134-025 State funding procedures. (1) Public school districts shall maintain a record of the number of hours each part-time public school student is enrolled.

(2) Each district shall report to the superintendent of public instruction as required the number of hours that courses and/or ancillary services, or any combination of courses and ancillary services, are provided to part-time students in the basic enrollment data for state funding purposes.

(3) The information required by subsections (1) and (2) above shall be provided to the superintendent of public instruction on forms provided by and at such times as are designated by the superintendent.

[Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-025, filed 4/15/80.]

WAC 392-134-030 Compliance with rules as a condition of state funding. Each public school district shall certify compliance with this chapter as a condition to the reimburse-

ment of costs pursuant to RCW 28A.150.250, 28A.150.260 and 28A.150.350, as now or hereafter amended. State and federal funds shall be withheld in whole or part or recovered in whole or part through reduction in future entitlements of a district as necessary to enforce the provisions and intent of this chapter.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-134-030, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-030, filed 4/15/80.]

Chapter 392-135 WAC

FINANCE—INTERDISTRICT COOPERATION PROGRAMS

WAC

392-135-005	Purposes.
392-135-010	Definitions.
392-135-015	Program types.
392-135-020	Application—Requirements for approval.
392-135-021	Reporting requirements.
392-135-030	Cooperative financing of construction.
392-135-035	Nonhigh school district obligation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-135-025	Additional weighting support. [Order 7-75, § 392-135-025, filed 12/22/75. Formerly WAC 392-135-925, 392-15-720.] Repealed by 80-05-036 (Order 80-7), filed 4/15/80. Statutory Authority: RCW 28A.58.075(2) and 28A.58.245.
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WAC 392-135-005 Purposes. The purposes of this chapter are to implement RCW 28A.335.160(2) and 28A.225.250 and establish the conditions pursuant to which school districts may cooperate in interdistrict tuition-free educational programs, including but not limited to vocational and handicapped programs.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-135-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.075(2) and 28A.58.245, 80-05-036 (Order 80-7), § 392-135-005, filed 4/15/80; Order 7-75, § 392-135-005, filed 12/22/75. Formerly WAC 392-15-900.]

WAC 392-135-010 Definitions. As used in this chapter, the term:

- (1) "Residence," "resident student," and "resident district" shall mean the same as defined in WAC 392-137-010.
- (2) "Serving district" shall mean the Washington state school district which operates a tuition-free interdistrict cooperation program pursuant to an agreement with one or more Washington state school districts.
- (3) "Participating school district(s)" shall mean any Washington state school district that is a signatory to an interdistrict cooperative agreement pursuant to provisions of this chapter.

[Statutory Authority: RCW 28A.58.075(2) and 28A.58.245, 81-19-091 (Order 81-21), § 392-135-010, filed 9/18/81; 80-05-036 (Order 80-7), § 392-135-010, filed 4/15/80; Order 7-75, § 392-135-010, filed 12/22/75. Formerly WAC 392-15-905.]

WAC 392-135-015 Program types. Subject to the prior approval of the superintendent of public instruction, any school district may cooperate with one or more other school districts in the joint maintenance and operation of educational programs or services:

- (1) As a part of the operation of a joint facility, or otherwise; and
- (2) On a full- or part-time attendance basis, or a regular 180-day or extended school year basis.

[Order 7-75, § 392-135-015, filed 12/22/75. Formerly WAC 392-15-910, 392-15-735.]

WAC 392-135-020 Application—Requirements for approval. (1) Application. The proposed serving district shall be the applicant school district. The applicant school district shall submit a written application for the operation of an interdistrict cooperation program and the proposed written agreement(s) to be entered into by each participating school district to the superintendent of public instruction, division of financial services.

An interdistrict cooperation contract shall include and set forth at least the following:

- (a) A description of the services and program.
- (b) The number of students to be served from each district.
- (c) The estimated amount of any operating costs of the program that are not funded from state or federal sources and the method of sharing such unfunded costs.

(2) Requirements for approval consideration. Interdistrict cooperation programs eligible for consideration and approval by the superintendent of public instruction shall be:

- (a) Voluntary.
- (b) Tuition free.
- (c) Necessary for the express purpose of:
 - (i) Providing educational programs not otherwise available; and/or
 - (ii) Avoiding unnecessary duplications of specialized or unusually expensive programs and facilities; and/or
 - (iii) Improving racial balance within and among school districts.

(d) Interdistrict cooperation contracts shall be approved in advance of the board of directors of each participating school district.

[Statutory Authority: RCW 28A.58.075(2) and 28A.58.245, 81-19-091 (Order 81-21), § 392-135-020, filed 9/18/81; Order 7-75, § 392-135-020, filed 12/22/75. Formerly WAC 392-15-915, 392-15-740.]

WAC 392-135-021 Reporting requirements. (1) Each school district shall provide, upon request of the superintendent of public instruction, such data as the superintendent deems appropriate to identify the resident school district of all nonresident students enrolled in a school district cooperative program who are attending classes in a school district other than the school district in which the student is resident, excepting all high school students from nonhigh school districts.

(2) The superintendent of public instruction shall provide each serving district of each approved interdistrict cooperative with necessary report forms and shall advise each serving district of the due date established by the superintendent for the return of such completed report forms to the educational service districts or to the superintendent of public instruction as now or hereafter established by the superintendent and published in bulletins of the division of financial services.

(3) Data required by this section shall be used by the superintendent of public instruction for the purposes of WAC 392-121-170 and chapter 392-139 WAC as now or hereafter amended.

[Statutory Authority: RCW 28A.58.075(2) and 28A.58.245. 81-19-091 (Order 81-21), § 392-135-021, filed 9/18/81.]

WAC 392-135-030 Cooperative financing of construction. Cooperative financing involving the construction of any educational facility and arrangements therefor pursuant to RCW 28A.335.160(1) shall be in compliance with state board of education regulations, WAC 180-30-460 through 180-30-495, as now or hereafter amended.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-135-030, filed 7/19/90, effective 8/19/90; Order 7-75, § 392-135-030, filed 12/22/75. Formerly WAC 392-15-945, 392-15-770.]

WAC 392-135-035 Nonhigh school district obligation. No arrangement pursuant to this chapter shall alter a nonhigh school district's obligation to a high school district pursuant to chapter 28A.545 RCW.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-135-035, filed 7/19/90, effective 8/19/90; Order 7-75, § 392-135-035, filed 12/22/75.]

Chapter 392-136 WAC

FINANCE—CONVERSION OF ACCUMULATED SICK LEAVE

WAC

392-136-003	Authority.
392-136-005	Purpose.
392-136-010	Definitions.
392-136-015	Annual conversion of accumulated sick leave.
392-136-020	Conversion of sick leave upon separation from district employment.
392-136-025	Conversion of sick leave upon retirement or death for postretirement medical benefits.
392-136-060	Application to school districts.
392-136-065	School districts—Board authority—Subject to collective bargaining if applicable.
392-136-070	School districts—Basis of accounting for accumulated sick leave balance for buy out purpose.
392-136-075	School districts—Annual one hundred eighty-day limitation on accumulated sick leave balance for buy out purpose.
392-136-085	School districts—Previous payments in connection with excess accumulations of sick leave disregarded.

WAC 392-136-003 Authority. The authority for this chapter as applied to educational service districts is RCW 28A.310.490 which authorizes the superintendent of public instruction to adopt rules and regulations related to a mandatory attendance incentive program for all employees of educational service districts. The authority for this chapter as applied to school districts is RCW 28A.400.210 which authorizes the superintendent of public instruction to adopt rules and regulations related to a permissive attendance incentive program for employees of school districts.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-136-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-003, filed 1/26/84.]

WAC 392-136-005 Purpose. The purpose of this chapter is to implement RCW 28A.400.210 and 28A.310.490 which provide for compensating school district and educational service district employees for accumulated sick leave.

(2007 Ed.)

The rules set forth in this chapter are not intended to govern the leave policies of a district for other purposes.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-136-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-005, filed 1/26/84. Statutory Authority: RCW 28A.58.097. 82-16-036 (Order 82-6), § 392-136-005, filed 7/28/82. Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-005, filed 8/28/80.]

WAC 392-136-010 Definitions. As used in this chapter:

(1) The term "month of employment" shall mean each calendar month during which an individual is considered by a school or educational service district to be an employee of the district by virtue of the existence of an oral or written contractual relationship which either obligates the individual to perform services during the month or thereafter or obligates the district to provide compensation to the individual during the month or thereafter for services provided, or both.

(2) The terms "full day" and "full day of sick leave" shall each mean and be equivalent to one day of full-time employment for each employee or classification of employees as established by policies now or hereafter adopted by each individual school and educational service district board or by the pertinent terms of applicable collective bargaining contracts, or both.

(3) The term "full-time daily rate of compensation" shall mean the salary of an employee or classification of employees for each full day of employment exclusive of supplemental pay such as extracurricular pay, overtime pay, standby pay and premium pay, and exclusive of fringe benefits such as health insurance premiums and other forms of insurance premiums.

(4) The term "sick leave" shall mean leave granted to an employee for the purpose of absence from work with pay in the event of illness or injury, or both.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-010, filed 1/26/84. Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-010, filed 8/28/80.]

WAC 392-136-015 Annual conversion of accumulated sick leave. (1) Commencing in January 1981, and each January thereafter, each eligible, current employee of a school district and educational service district may elect to convert excess sick leave to monetary compensation as provided in this section.

(2) Eligible employees, excess sick leave and the conversion of excess sick leave to monetary compensation shall be determined as follows:

(a) Eligible employees: In order to be eligible to convert excess sick leave days to monetary compensation, an employee:

(i) Shall be an employee of an educational service district or an employee of a school district that has adopted an attendance incentive program covering such employee pursuant to WAC 392-136-065;

(ii) Shall have accumulated in excess of sixty full days of unused sick leave at a rate of accumulation no greater than one full day per month (a maximum of twelve days per year) as of the end of the previous calendar year; and

(iii) Shall provide written notice to his or her employer during the month of January of his or her intent to convert excess sick leave days to monetary compensation.

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(b) Excess sick leave: The number of sick leave days which an eligible employee may convert shall be determined by:

(i) Taking the number of sick leave days in excess of sixty full days that were accumulated by the employee during the previous calendar year at a rate of accumulation no greater than one full day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of twelve days per year); and

(ii) Subtracting therefrom the number of sick leave days used by the employee during the previous calendar year.

The remainder, if positive, shall constitute the number of sick leave days which may be converted to monetary compensation.

(c) Rate of conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five percent of an employee's current, full-time daily rate of compensation for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(3) All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(4) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-015, filed 1/26/84. Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-015, filed 8/28/80.]

WAC 392-136-020 Conversion of sick leave upon separation from district employment. (1) Eligible employees: Upon separation from district employment the following employees may personally, or through their estate in the event of death, elect to convert all eligible, accumulated, unused sick leave up to a maximum of one hundred eighty days to monetary compensation as provided in this section:

(a) Eligible educational service district employees are those who terminate employment with the educational service district due to either retirement or death.

(b) Eligible school district employees are those who qualify under an attendance incentive program established by the school district board of directors pursuant to WAC 392-136-065 and who:

(i) Separate from employment with the school district due to death or retirement; or

(ii) After June 7, 2000, separate from employment with the school district and are at least age fifty-five and:

(A) Have at least ten years of service under teachers' retirement plan 3 as defined in RCW 41.32.010(40), or under the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010(31); or

(B) Have at least fifteen years of service under teachers' retirement system plan 2 as defined in RCW 41.32.010(39), under Washington school employees' retirement system plan 2 as defined in RCW 41.35.010(30), or under public employees' retirement system plan 2 as defined in RCW 41.40.010(34).

(c) In order to receive reimbursement for unused sick leave, by virtue of retirement pursuant to subsection (1)(a) or (1)(b)(i) of this section the employee must have separated

from such employment and have been granted a retirement allowance under the laws governing the teachers' retirement system, the public employees' retirement system, or the school employees' retirement system whichever applies; however, it is not necessary that the employee actually file for retirement prior to the date of his or her separation so long as the application is thereafter filed within a reasonable period of time and without the occurrence of any intervening covered employment.

(d) Eligible school district employees who qualify under an attendance incentive program established by the school district board of directors pursuant to WAC 392-136-065 and who have previously separated from a school district due to retirement may cash out subsequent earned sick leave under the following exceptions:

(i) The employee ceases receipt of retirement benefits and reestablishes membership in the retirement system, including resuming payments into the system; or

(ii) The employee establishes, and makes payment into, a second retirement system from which they may subsequently retire.

(2) Eligible sick leave days include all unused sick leave days that have been accumulated from year to year up to a maximum of the number of contracted days agreed to in a given contract, but not greater than one year, by an eligible employee, less sick leave days previously converted pursuant to WAC 392-136-015 and those credited as service rendered for retirement purposes.

(3) Rate of conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(4) Deduction of converted days: All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(5) Exclusion from retirement allowance: Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

[Statutory Authority: Chapter 28A.150 RCW. 05-17-175, § 392-136-020, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.400.210. 01-11-098, § 392-136-020, filed 5/18/01, effective 6/18/01. Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-020, filed 1/26/84. Statutory Authority: RCW 28A.58.100(2). 82-16-038 (Order 82-8), § 392-136-020, filed 7/28/82. Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-020, filed 8/28/80.]

WAC 392-136-025 Conversion of sick leave upon retirement or death for postretirement medical benefits. School districts and educational service districts may, in lieu of monetary compensation, as provided for in WAC 392-136-020, make payment to an organization for postretirement medical benefits when each of the following conditions have been met:

(1) The organization is authorized under law to engage in the receipt and management of moneys for postretirement medical benefits; and

(2) The organization and the employee have furnished a signed statement holding the school district or educational service district harmless for any loss, liability, or damages that may occur arising from making the payment to the organization for postretirement medical benefits.

Moneys paid under this section for postretirement medical benefits shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 90-16-043 (Order 20), § 392-136-025, filed 7/24/90, effective 8/24/90.]

WAC 392-136-060 Application to school districts.

The provisions of this chapter as applied to school districts are applicable only to school district employees included within an incentive attendance program established pursuant to WAC 392-136-065. The provisions of WAC 392-136-060 through 392-136-085 are applicable only to school districts.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-060, filed 1/26/84.]

WAC 392-136-065 School districts—Board authority—Subject to collective bargaining if applicable. Every school district board of directors may establish an attendance incentive program as provided for in this chapter for any or all certificated and noncertificated employees: Provided, That the terms and conditions of an attendance incentive program for employees represented by a bargaining representative pursuant to either chapter 41.56 or 41.59 RCW, shall be established and implemented in accordance with chapter 41.56 or 41.59 RCW, whichever chapter is applicable.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-065, filed 1/26/84.]

WAC 392-136-070 School districts—Basis of accounting for accumulated sick leave balance for buy out purpose. Sick leave for buy out purpose shall be earned, used, and converted to monetary compensation on a last-in first-out (LIFO) basis in accordance with the provisions of this chapter. The reduction to one hundred eighty days on December 31, 1983 and each year thereafter, as provided in WAC 392-136-075, shall be on a LIFO basis, after the December 31 balance has first been reduced for any front end loaded unearned days which may be posted for sick leave purpose but not earned for sick leave buy out purpose.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-070, filed 1/26/84.]

WAC 392-136-075 School districts—Annual one hundred eighty-day limitation on accumulated sick leave balance for buy out purpose. The maximum accumulated sick leave balance for buy out purpose shall be controlled as follows:

(1) Commencing at midnight December 31, 1983 and on each midnight December 31 thereafter, and prior to the addition of sick leave earned for January, but after the transactions for sick leave earned and used for December and after reductions of sick leave balance due to conversion of sick leave during January, each employee of a school district shall be limited for sick leave buy out purpose to a maximum

earned sick leave balance of one hundred eighty days on such date and time. This balance does not include any front end loaded or other days which may be posted for sick leave purpose but not earned for sick leave buy out purpose.

(2) Commencing on January 31, 1984 and on the end of each month thereafter there shall be added to the accumulated sick leave balance of each employee for sick leave buy out purpose sick leave earned during that month.

(3) Each employee whose sick leave balance for buy out purpose exceeds one hundred eighty days on midnight December 31, computed in accordance with the first paragraph of this section, shall lose days accumulated that are in excess of this maximum in January of each year if such employee fails to exercise the annual buy out option provided for in this chapter or if such employee's sick leave buy out balance exceeds this maximum for any other reason.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-075, filed 1/26/84.]

WAC 392-136-085 School districts—Previous payments in connection with excess accumulations of sick leave disregarded. Nothing in this chapter shall be construed as requiring or allowing, on account of a previous accumulation of sick leave in excess of one hundred eighty days, the recovery of payments for either used or converted sick leave made during the period of June 13, 1980, through July 23, 1983, to any school district employee who had been allowed by his or her school district of employment to accumulate an unused sick leave balance in excess of one hundred eighty days. And nothing in this chapter shall be construed as requiring or allowing the accumulated unused and unconverted sick leave balance of any employee of a school district to be reduced on account of any such payment.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-085, filed 1/26/84.]

Chapter 392-137 WAC

FINANCE—NONRESIDENT ATTENDANCE

WAC

392-137-100	Authority.
392-137-105	Purpose.
392-137-110	Nonresident attendance exempt from adjudication.
392-137-115	Student residence—Definition.
392-137-120	Resident district—Definition.
392-137-125	Nonresident district—Definition.
392-137-130	Release of students to nonresident districts.
392-137-135	Affecting condition—Ground for release.
392-137-140	Accessibility to work or child care—Ground for release.
392-137-145	Special condition—Ground for release.
392-137-150	Desegregation—Ground for denial of release.
392-137-155	Appeal to SPI—Denial of release.
392-137-160	Admission by nonresident district—Released students.
392-137-190	Appeal notice—Denial of release or admission.
392-137-195	Filing of notices of appeal.
392-137-200	Appeal to SPI—Denial of application by nonresident district.
392-137-205	Noncompliance with standards and procedures—Ground for admission.
392-137-225	Length of release.
392-137-230	Length of acceptance.
392-137-235	Residency of handicapped children—Special condition.
392-137-240	Transportation of students—Funding—Cooperative agreements.
392-137-245	Hearings.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

392-137-001	Purposes. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-137-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-001, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 80-05-037 (Order 80-8), § 392-137-001, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	
392-137-002	Arrangements deemed approved—Retention and filing of. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-002, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 80-05-037 (Order 80-8), § 392-137-002, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-035
392-137-003	Nonresident attendance exempt from chapter provisions. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-137-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-003, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 80-05-037 (Order 80-8), § 392-137-003, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-040
392-137-005	Purposes. [Order 7-75, § 392-137-005, filed 12/22/75. Formerly WAC 392-15-800.] Repealed by 80-05-037 (Order 80-8), filed 4/15/80. Statutory Authority: RCW 28A.58.240 and 28A.58.242.	392-137-045
392-137-010	Definitions. [Statutory Authority: RCW 28A.58.240, 90-04-044 (Order 90-02), § 392-137-010, filed 1/31/90, effective 3/3/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-010, filed 11/2/89, effective 12/3/90. Statutory Authority: RCW 28A.58.242, 83-17-067 (Order 83-11), § 392-137-010, filed 8/18/83; Order 7-75, § 392-137-010, filed 12/22/75. Formerly WAC 392-15-805.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-050
392-137-015	Persons entitled to attend—Tuition-free. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-015, filed 11/2/89, effective 12/3/89; Order 7-75, § 392-137-015, filed 12/22/75. Formerly WAC 392-15-810.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-051
392-137-020	Nonresident students under the age of twenty-one—Mutual agreement between resident and nonresident district required. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-137-020, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-020, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 84-20-079 (Order 84-37), § 392-137-020, filed 10/2/84. Statutory Authority: RCW 28A.58.242, 83-17-067 (Order 83-11), § 392-137-020, filed 8/18/83. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 80-05-037 (Order 80-8), § 392-137-020, filed 4/15/80. Statutory Authority: RCW 28A.03.030 (1) and (3), 28A.58.240 and 28A.58.242, 78-08-034 (Order 3-78), § 392-137-020, filed 7/18/78; Order 7-75, § 392-137-020, filed 12/22/75. Formerly WAC 392-15-815.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-055
392-137-025	Nonresident students twenty-one years of age or older—Agreement between student and nonresident district required. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-025, filed 11/2/89, effective 12/3/89; Order 7-75, § 392-137-025, filed 12/22/75. Formerly WAC 392-15-820.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-060
392-137-030	Resident students twenty-one years of age or older—Agreement between student and resident district	392-137-065

required. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-030, filed 11/2/89, effective 12/3/89; Order 7-75, § 392-137-030, filed 12/22/75. Formerly WAC 392-15-825.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).

Contents of agreements. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-035, filed 11/2/89, effective 12/3/89; Order 7-75, § 392-137-035, filed 12/22/75. Formerly WAC 392-15-830.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).

District policies—Procedures and criteria for release of resident students and admission of nonresident students. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-040, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242, 83-17-067 (Order 83-11), § 392-137-040, filed 8/18/83; Order 7-75, § 392-137-040, filed 12/22/75. Formerly WAC 392-15-835.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).

Tuition—Enrollment in compliance or noncompliance with an arrangement. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-045, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242, 83-17-067 (Order 83-11), § 392-137-045, filed 8/18/83. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 80-05-037 (Order 80-8), § 392-137-045, filed 4/15/80; Order 7-75, § 392-137-045, filed 12/22/75. Formerly WAC 392-15-840, 392-15-850.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).

Agreements and policies deemed approved—Retention and filing of. [Order 7-75, § 392-137-050, filed 12/22/75. Formerly WAC 392-15-855.] Repealed by 80-05-037 (Order 80-8), filed 4/15/80. Statutory Authority: RCW 28A.58.240 and 28A.58.242.

Right of appeal. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-051, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 80-05-037 (Order 80-8), § 392-137-051, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).

Appeal notice. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-055, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242, 83-17-067 (Order 83-11), § 392-137-055, filed 8/18/83. Statutory Authority: RCW 28A.58.240, 82-19-049 (Order 82-14), § 392-137-055, filed 9/14/82. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 80-05-037 (Order 80-8), § 392-137-055, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).

Hearing. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-060, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.03.500, 87-10-014 (Order 87-6), § 392-137-060, filed 4/28/87. Statutory Authority: RCW 28A.58.242, 83-17-067 (Order 83-11), § 392-137-060, filed 8/18/83. Statutory Authority: RCW 28A.58.240, 82-19-049 (Order 82-14), § 392-137-060, filed 9/14/82. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 81-15-090 (Order 81-5), § 392-137-060, filed 7/22/81; 80-05-037 (Order 80-8), § 392-137-060, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).

Grounds for order of release. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-065, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242, 83-17-067 (Order 83-11), § 392-137-065, filed 8/18/83. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 80-05-037 (Order 80-8), § 392-137-065, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).

- 392-137-070 Per se special hardship or detrimental hardships. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-137-070, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-070, filed 8/18/83.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
- 392-137-220 Annual transfer fee. [Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-220, filed 9/17/90, effective 10/18/90.] Repealed by 97-20-003 (Order 97-04), filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.150.290.

Reviser's note: With the filing of Order 7-75 by the superintendent of public instruction on December 22, 1975, part of chapter 392-15 WAC, entitled "Interdistrict cooperation," has been superseded by chapter 392-137 WAC. See Title 392 WAC digest for disposition of chapters and reference notes.

WAC 392-137-100 Authority. The authority for this chapter is RCW 28A.225.230 which authorizes the superintendent of public instruction to review through formal adjudication school district decisions to not release resident students and to not accept nonresident students. This authority is buttressed by RCW 34.05.220(4) which authorizes the state agency charged with the adjudication of individual cases, in this case the superintendent of public instruction, to adopt rules formalizing the general principles applicable to deciding such cases.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-100, filed 9/17/90, effective 10/18/90.]

WAC 392-137-105 Purpose. The purpose of this chapter is to formalize the principles applicable to adjudication of cases related to nonresident school attendance.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-105, filed 9/17/90, effective 10/18/90.]

WAC 392-137-110 Nonresident attendance exempt from adjudication. The following nonresident attendance arrangements and entitlements are exempt from the adjudication provisions of this chapter:

(1) Interdistrict cooperation programs conducted in accordance with RCW 28A.335.160 or 28A.225.250 and chapter 392-135 WAC.

(2) Programs temporarily conducted in behalf of another district in accordance with RCW 28A.225.200

(3) Reciprocity programs with continuous out-of-state school districts conducted pursuant to RCW 28A.225.260.

(4) The attendance of students from other districts who, by operation of law, have a statutory entitlement to attend school in a nonresident district—to wit the following:

(a) Children who reside within certain federal lands or Indian reservations as provided in RCW 28A.225.170.

(b) Children who reside in school districts which do not provide the grade in which the student is eligible to enroll as provided in RCW 28A.225.210.

(c) Children who are defined to be at risk pursuant to RCW 28A.175.090.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-110, filed 9/17/90, effective 10/18/90.]

WAC 392-137-115 Student residence—Definition. As used in this chapter, the term "student residence" means (2007 Ed.)

the physical location of a student's principal abode—i.e., the home, house, apartment, facility, structure, or location, etc.—where the student lives the majority of the time. The following shall be considered in applying this section:

(1) The mailing address of the student—e.g., parent's address or post office box—may be different than the student's principal abode.

(2) The student's principal abode may be different than the principal abode of the student's parent(s).

(3) The lack of a mailing address for a student does not preclude residency under this section.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-115, filed 9/17/90, effective 10/18/90.]

WAC 392-137-120 Resident district—Definition. As used in this chapter, the term "resident district" means the district in which the student's residence is located.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-120, filed 9/17/90, effective 10/18/90.]

WAC 392-137-125 Nonresident district—Definition. As used in this chapter, the term "nonresident district" means the district in which the student is enrolled or is seeking entrance and in which the student's residence is not located.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-125, filed 9/17/90, effective 10/18/90.]

WAC 392-137-130 Release of students to nonresident districts. A resident district shall release a student to a nonresident district if the student meets each of the following conditions:

(1) The nonresident district agrees to accept the student.

(2) The student demonstrates a ground for release as specified in WAC 392-137-135, 392-137-140, or 392-137-145.

(3) The resident district has not denied the release for desegregation reasons as specified in WAC 392-137-150.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-130, filed 9/17/90, effective 10/18/90.]

WAC 392-137-135 Affecting condition—Ground for release. A district shall release a student if a financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer. The following shall be considered in applying this section:

(1) The term "condition affecting the student" means a financial, educational, safety, or health benefit which can not be met or achieved by attendance in the student's resident district.

(2) The term "would likely be reasonably improved" means it is probable, in the judgment of a reasonable person, that the nature and effect of the benefit to be received will be real and meaningful.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-135, filed 9/17/90, effective 10/18/90.]

WAC 392-137-140 Accessibility to work or child care—Ground for release. A district shall release a student if attendance in the nonresident district is more accessible to

the parent's place of work or to the location of child care. The following shall be considered in applying this section:

(1) The term "parent" means one or more adults with custodial responsibility for the child.

(2) The term "more accessible" means a difference to an extent which is more than de minimis.

(3) The term "child care" means any form of adult supervision for a child who is in need of such adult supervision.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-140, filed 9/17/90, effective 10/18/90.]

WAC 392-137-145 Special condition—Ground for release. A district shall release a student if there is a special hardship or detrimental condition. The following shall be considered in applying this section:

(1) The term "special" means a circumstance or factor which is generally not applicable to other students or families.

(2) The terms "hardship" and "detrimental condition" apply to any circumstance or factor harmfully affecting the student or student's immediate family and is not restricted to a financial, educational, safety, or health condition.

(3) The following are judged by the superintendent of public instruction to constitute a special hardship or detrimental condition, the proof of which is a per se hardship or condition for the order of a release:

(a) A student who was enrolled the previous school year in a nonresident district who is scheduled to complete in the same nonresident district during the next school year the highest grade offered in the resident district.

(b) A student who has completed two or more school years in a nonresident district without a release but with the knowledge of such nonresident attendance by the superintendent or any member of the board of directors of the resident district.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-145, filed 9/17/90, effective 10/18/90.]

WAC 392-137-150 Desegregation—Ground for denial of release. A district may deny a release if the release would adversely affect the district's existing desegregation plan.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-150, filed 9/17/90, effective 10/18/90.]

WAC 392-137-155 Appeal to SPI—Denial of release. The decision of a resident school district to not release a resident student may be appealed to the superintendent of public instruction. The right of appeal is subject to each of the following conditions:

(1) The appeal is filed by the student's parent or a custodial adult or by the student if the student is eighteen years of age or older.

(2) The resident district has denied the release or has failed to consider the request for the release. The following shall apply:

(a) For the purpose of this subsection, a denial is established by one of the following:

(i) A copy of the minutes of the board of directors of the resident district which establishes that the board has denied a request to release the resident student.

(ii) A written statement by the superintendent of the resident district that the board has taken action denying the release.

(b) For the purpose of this subsection a refusal to consider a request for a release is established by:

(i) Copy of correspondence addressed to the superintendent of the resident district requesting a release and which sets forth the grounds for the release.

(ii) An affidavit by the appellant indicating the resident district board of directors has failed to act on the request and that at least forty-five calendar days has transpired since the request for the release was mailed or delivered to the superintendent of the resident district.

(3) The nonresident district has agreed to accept the student. For the purpose of this subsection an acceptance is established by one of the following:

(a) A copy of minutes of the board of directors of the nonresident district that establishes that the nonresident student has been accepted.

(b) A written statement by the superintendent of the district that the nonresident student has been accepted.

(c) Any documentation that the nonresident district has a policy of accepting one or more of the following categories of nonresident students:

(i) All nonresident students.

(ii) All nonresident students who are released by the resident school district.

(iii) All nonresident students who are released by order of the superintendent of public instruction or by the court.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-155, filed 9/17/90, effective 10/18/90.]

WAC 392-137-160 Admission by nonresident district—Released students. A nonresident district may admit all nonresident students who are released by a resident district, the superintendent of public instruction, or a court of law. The provisions of RCW 28A.225.240 shall apply for apportionment and other purposes.

[Statutory Authority: RCW 28A.150.290. 97-20-003 (Order 97-04), § 392-137-160, filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-160, filed 9/17/90, effective 10/18/90.]

WAC 392-137-190 Appeal notice—Denial of release or admission. Requests for an appeal shall be addressed to the superintendent of public instruction and shall contain the following:

(1) The name, age, grade level, and residence address, if any, of the student.

(2) The name, mailing address, if any, and the legal relationship of the person, if any, filing the notice of appeal on behalf of the student.

(3) In the case of denial of release, documentation indicating the conditions of WAC 392-137-155 have been met and a copy of all documents or other written evidence submitted to the resident district which indicates the grounds for the requested release.

(4) In the case of denial of admission, documentation that the nonresident district has failed to comply with the standards and procedures specified in WAC 392-137-205.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-190, filed 9/17/90, effective 10/18/90.]

WAC 392-137-195 Filing of notices of appeal. There is no prescribed method for transmitting appeals to the superintendent of public instruction but receipt of such written appeals by the superintendent of public instruction is a condition precedent to jurisdiction. The material may be hand-delivered or mailed to the following address:

Legal Services
Office of the Superintendent of
Public Instruction
P.O. Box 47200
Olympia, Washington 98504-7200

[Statutory Authority: RCW 28A.150.290. 97-20-003 (Order 97-04), § 392-137-195, filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-195, filed 9/17/90, effective 10/18/90.]

WAC 392-137-200 Appeal to SPI—Denial of application by nonresident district. RCW 28A.225.230 requires the superintendent of public instruction to hear and adjudicate appeals from denials by nonresident school districts to accept a nonresident student if the nonresident district fails to comply with the standards and procedures prescribed in section 203, chapter 9, Laws of 1990 1st ex. sess. The grounds for such an appeal are noted in WAC 392-137-205.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-200, filed 9/17/90, effective 10/18/90.]

WAC 392-137-205 Noncompliance with standards and procedures—Ground for admission. A nonresident student who is denied admission to a nonresident district shall be ordered admitted by the superintendent of public instruction if the district does not comply with the standards and procedures specified in section 203, chapter 9, Laws of 1990 1st ex. sess.—to wit the following:

(1) "All districts accepting applications from nonresident students for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990." The following shall be considered in applying this subsection:

(a) Applications from nonresident students for the purpose of this section do not include students who are attending the district pursuant to arrangements or entitlements noted in WAC 392-137-110.

(b) The requirement to consider all applications equally does not preclude the establishment of a priority system that is fair and equitable under equal protection standards.

(c) The failure of a district to have adopted an admission policy at the time of the student's denial of admission, not the June 30, 1990 deadline, will govern an order to admit for failure to adopt any policy regarding admission.

(2) "The district shall provide to applicants written notification of the approval or denial of the application in a

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timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3)." The following shall be considered in applying this subsection:

(a) All applications must be acted upon by accepting or denying the application within forty-five calendar days of receipt by the nonresident district or the application will be deemed to have been denied for purposes of this section.

(b) The district must make reasonable effort to deliver the written notification of denial to the applicant.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-205, filed 9/17/90, effective 10/18/90.]

WAC 392-137-225 Length of release. All releases of resident students, whether granted by the resident district or ordered by the superintendent of public instruction, shall state the length of the release or the condition subsequent which would cause the release to be terminated. The termination of a release, for the purpose of this chapter, shall be adjudicated as per the provisions regarding a request for a release.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-225, filed 9/17/90, effective 10/18/90.]

WAC 392-137-230 Length of acceptance. All acceptances of nonresident students, whether granted by the nonresident district or ordered by the superintendent of public instruction, shall state the length of the acceptance or the condition subsequent which would cause the acceptance to be terminated. The termination of an acceptance, for the purpose of this chapter, shall be adjudicated as per the provisions regarding a denial of acceptance.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-230, filed 9/17/90, effective 10/18/90.]

WAC 392-137-235 Residency of handicapped children—Special condition. Notwithstanding the definitions of resident and nonresident district pursuant to this chapter, in the event a student who is eligible for special education pursuant to chapter 392-171 WAC transfers pursuant to this chapter from a resident school district to a nonresident district, the nonresident district shall be deemed the resident district for the purposes of chapter 392-171 WAC and shall be required to perform all legal duties as otherwise required by the resident district, including the transportation of the transferring handicapped student if so required as a related service.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-235, filed 9/17/90, effective 10/18/90.]

WAC 392-137-240 Transportation of students—Funding—Cooperative agreements. Chapter 28A.160 RCW, School transportation authorizes state funding for transportation of students transported from outside of district boundaries and furthermore authorizes cooperative arrangements among districts regarding the transportation of students from one district to another.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-240, filed 9/17/90, effective 10/18/90.]

WAC 392-137-245 Hearings. The hearings provided for in this chapter shall be conducted in compliance with chapter 392-101 WAC.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-245, filed 9/17/90, effective 10/18/90.]

Chapter 392-138 WAC

FINANCE—ASSOCIATED STUDENT BODY MONEYS

WAC

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392-138-205	Nonassociated student body private moneys—Deposit and investment.
392-138-210	Nonassociated student body private moneys—Disbursement approval—Total disbursements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-138-012	Fees optional noncredit extracurricular events. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-012, filed 6/13/84.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-015	Distinction between public and private moneys—Duties of advisors. [Order 4-76, § 392-138-015, filed 3/4/76, effective 7/1/76.] Repealed by 84-13-025 (Order 84-15), filed 6/13/84. Statutory Authority: RCW 28A.58.115.
392-138-016	Scholarships, student exchange and charitable purposes—ASB private moneys. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-016, filed 6/13/84.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-020	Private moneys not to be commingled—Exception in case of student aid donations. [Order 4-76, § 392-138-020, filed 3/4/76, effective 7/1/76.] Repealed by 84-13-025 (Order 84-15), filed 6/13/84. Statutory Authority: RCW 28A.58.115.
392-138-025	Formation of associated student bodies required. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-025, filed 6/13/84; Order 4-76, § 392-138-025, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-030	Powers—Authority and policy of board of directors. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-138-030, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-030, filed 6/13/84; Order 4-76, § 392-138-030, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-035	Deposit and investment of associated student body moneys. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-035, filed 6/13/84; Order

4-76, § 392-138-035, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.

392-138-040	Associated student body program budget. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-138-040, filed 7/19/90, effective 8/19/90; Order 4-76, § 392-138-040, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-045	Accounting procedures and records. [Order 4-76, § 392-138-045, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-047	Segregation of accounts—Public and private moneys. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-047, filed 6/13/84.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-050	Disbursement approval—Total disbursements. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-050, filed 6/13/84; Order 4-76, § 392-138-050, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-055	Imprest bank checking account. [Order 4-76, § 392-138-055, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-060	Petty cash funds. [Order 4-76, § 392-138-060, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-065	Compliance with bid law required. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-138-065, filed 7/19/90, effective 8/19/90; Order 4-76, § 392-138-065, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-070	District assumption of existing indebtedness permitted. [Order 4-76, § 392-138-070, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-071	Public moneys—Previous law. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-071, filed 6/13/84.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-075	Title to property—Dissolution of associated student body or affiliated group. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-075, filed 6/13/84; Order 4-76, § 392-138-075, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-080	Disposition of preexisting associated student body cash and investment. [Order 4-76, § 392-138-080, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-085	League and other joint activities. [Order 4-76, § 392-138-085, filed 3/4/76, effective 7/1/76.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.
392-138-100	Student aid donations and other nonassociated student body moneys. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-138-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.115. 89-17-066 (Order 89-06), § 392-138-100, filed 8/16/89, effective 9/16/89; 84-13-025 (Order 84-15), § 392-138-100, filed 6/13/84.] Repealed by 01-16-078, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.325.020.

WAC 392-138-003 Authority. The authority for this chapter is RCW 28A.325.020 which authorizes the superintendent of public instruction to adopt rules and regulations regarding the administration and control of associated student body moneys.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-003, filed 7/25/01, effective 8/25/01. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-138-003, filed 7/19/90, effective 8/19/90. Statutory

Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-003, filed 6/13/84.]

WAC 392-138-005 Purposes. The purposes of this chapter are to:

- (1) Implement RCW 28A.325.020;
- (2) Designate the powers and responsibilities of the board of directors of each school district regarding the efficient administration, management, and control of moneys, records, and reports of associated student body funds;
- (3) Encourage the supervised self-government of associated student bodies; and
- (4) Permit fund-raising activities by students in their private capacities for the purpose of generating nonassociated student body private moneys.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-005, filed 7/25/01, effective 8/25/01. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-138-005, filed 7/19/90, effective 8/19/90; Order 4-76, § 392-138-005, filed 3/4/76, effective 7/1/76.]

WAC 392-138-010 Definitions. (1) "Associated student body organization" means a formal organization of students, including subcomponents or affiliated student groups such as student clubs, which is formed with the approval, and operated subject to the control, of the board of directors of a school district in compliance with this chapter.

(2) "Associated student body program" means any activity which (a) is conducted in whole or part by or in behalf of an associated student body during or outside regular school hours and within or outside school grounds and facilities, and (b) is conducted with the approval, and at the direction or under the supervision, of the school district.

(3) "Central district office" means the board of directors and/or their official designee to whom authority has been delegated to act in their behalf.

(4) "Associated student body public moneys" means fees collected from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the school district which is of a cultural, social, recreational or athletic nature, revenues derived from "associated student body programs" as defined in subsection (2) of this section, and any other moneys received by an associated student body, not specified in subsection (5) of this section and WAC 392-138-100, for the support of an associated student body program.

(5) "Nonassociated student body private moneys" means moneys generated by fund-raising activities or solicitation of donations by student groups in their private capacities for private purposes and/or private gifts and contributions.

(6) "Associated student body governing body" means the student council, student activities board, or other officially recognized group of students appointed or elected to represent the entire associated student body within a school in accordance with procedures established by the board of directors of the school district.

(7) "Trust fund" means a fund used to account for assets held by the district in a trustee capacity for the specific purpose designated by the fund-raising group and described in the notice provided to donors prior to the fund-raising event. Such moneys must be accounted for separately from associated student body public moneys.

(8) "Held in trust" means held as private moneys either within a separate account within the associated student body fund or in a trust fund to be disbursed exclusively for an intended purpose.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-010, filed 7/25/01, effective 8/25/01. Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-010, filed 6/13/84; Order 4-76, § 392-138-010, filed 3/4/76, effective 7/1/76.]

WAC 392-138-011 Formation of associated student bodies required. The formation of an associated student body shall be mandatory and a prerequisite whenever one or more students of a school district engage in money-raising activities with the approval and at the direction or under the supervision of the district: Provided, That the board of directors of a school district may act, or delegate the authority to an employee(s) of the district to act, as the associated student body governing body for any school facility within the district containing no grade higher than the sixth grade.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-011, filed 7/25/01, effective 8/25/01.]

WAC 392-138-013 Powers—Authority and policy of board of directors. (1) The board of directors of each school district shall:

(a) Retain and exercise the general powers, authority, and duties expressed and implied in law with respect to the administration of a school district and regulation of actions and activities of the associated student bodies of the district including, but not limited to RCW 28A.320.010 (Corporate powers), RCW 28A.150.070 (General public school system administration), RCW 28A.320.030 (Gifts, conveyances, etc., for scholarship and student aid purposes, receipts and administration), RCW 28A.600.010 (Government of schools, pupils, and employees), RCW 28A.320.040 (Bylaws of board and school government), RCW 28A.400.030 (2) and (3) (Superintendent's duties), RCW 28A.600.040 (Pupils to comply with rules and regulations), RCW 43.09.200 (Local government accounting—Uniform system of accounting), RCW 36.22.090 (Warrants of political subdivisions), and chapter 28A.505 RCW (School district budgets);

(b) Approve the constitution and bylaws of each district associated student body and establish policies and guidelines relative to:

(i) The identification of those activities which shall constitute the associated student body program;

(ii) The establishment of an official governing body representing the associated student body;

(iii) The methods and means by which students shall be permitted to raise and otherwise acquire associated student body moneys; and

(iv) The designation of the primary advisor to each associated student body and the authority of the primary advisor to designate advisors to the various student subgroup organizations affiliated with an associated student body;

(c) Assign accounting functions, or portions thereof, to the school building level to be performed by a designated representative of an associated student body or centralize the accounting functions at the district central administrative office level;

(d) Provide for the participation of the associated student body or bodies of the school district in the determination of the purposes for which associated student body public moneys and nonassociated student body private moneys if held as private moneys within the associated student body fund shall be budgeted and disbursed; and

(2) If the district permits students to conduct fund-raising activities and solicitation of donations in their private capacities, they shall establish policies to permit such activities and the allowable uses of such moneys. The board policy and/or procedures must include the approval process for such activities as well as provisions to ensure appropriate accountability for these funds, which are required to be held in trust.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-013, filed 7/25/01, effective 8/25/01.]

WAC 392-138-014 Accounting procedures and records. Associated student body public and nonassociated student body private moneys shall be accounted for as follows:

(1) Accounting methods and procedures shall comply with such rules and regulations and/or guidelines as are developed by the state auditor and the superintendent of public instruction and published in the *Accounting Manual for Public Schools in the State of Washington* and/or other publications;

(2) Whenever two or more associated student bodies exist within a school district, the accounting records shall be maintained in such a manner as to provide a separate accounting for the transactions of each associated student body in the associated student body program fund;

(3) The fiscal and accounting records of associated student body program moneys shall constitute public records of the school district, shall be available for examination by the state auditor, and shall be preserved in accordance with statutory provisions governing the retention of public records; and

(4) Nonassociated student body private moneys shall be held in trust by the school within the associated student body fund or within a trust fund and be disbursed exclusively for such purposes as the student group conducting the fund-raising activity shall determine, subject to applicable school board policies. The district shall either withhold or otherwise be compensated an amount from such moneys to pay its direct costs in providing the service. Such funds are private moneys, not public moneys under section 7, Article VIII of the state Constitution.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-014, filed 7/25/01, effective 8/25/01.]

WAC 392-138-017 Segregation of public and private moneys. When a school district has associated student body organizations that receive both public and private moneys as defined in WAC 392-138-010 (4) and (5), two separate sets of accounts shall be maintained. In addition, separate accounting records should be maintained by organization or purpose including clubs, classes, athletic activities, private purpose fund-raising events and general associated student body.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-017, filed 7/25/01, effective 8/25/01.]

[Title 392 WAC—p. 136]

WAC 392-138-018 Petty cash funds. The board of directors of a school district may authorize the establishment and maintenance of associated student body petty cash funds for use in instances when it is impractical to make disbursement by warrant or check, subject to the following conditions:

(1) A petty cash fund shall be initiated by warrant or check;

(2) Paid-out receipts shall constitute invoices for the purpose of vouchering; and

(3) An upper limit of the amount of the petty cash fund shall be established by the board of directors.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-018, filed 7/25/01, effective 8/25/01.]

WAC 392-138-019 Compliance with bid law required. The statutory provisions of RCW 28A.335.190, the so-called "bid law" governing school district purchasing procedures, shall govern purchases payable from the associated student body funds.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-019, filed 7/25/01, effective 8/25/01.]

WAC 392-138-021 Title to property—Dissolution of associated student body or affiliated group. Title to all such property acquired through the expenditure of associated student body public moneys shall be vested in the school district.

In the event a member organization affiliated with an associated student body elects to disband or ceases to exist for any reason, then:

(1) The school district and parent associated student body shall cease carrying any money or account on behalf of or to the credit of the organization; and

(2) The records of the organization shall be retained and disposed of in accordance with applicable state law regarding the retention and destruction of public records.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-021, filed 7/25/01, effective 8/25/01.]

WAC 392-138-105 Fees optional noncredit extracurricular events. The board of directors of any common school district may establish and collect a fee from students and non-students as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: Provided, That in so establishing such fee or fees, the district shall adopt policies for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. The board of directors shall adopt policies which state that:

(2007 Ed.)

(1) Attendance and the fee are optional; and

(2) The district will waive and reduce fees for students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

Fees collected pursuant to this section shall be designated as associated student body public moneys and shall be deposited in the associated student body program fund of the school district. Such funds may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the public activities and programs of associated student bodies.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-105, filed 7/25/01, effective 8/25/01.]

WAC 392-138-110 Associated student body public moneys—Associated student body program budget. Each associated student body of a school district, with the guidance of the primary advisor, and at such time as is designated by the central district office, annually shall prepare and submit a financial plan (budget) for support of the associated student body program to the district superintendent or his/her designee for consolidation into a district associated student body program fund budget and then present such budget to the board of directors of the district for its review, revision, and approval: Provided, That revisions of the budget submitted by an associated student body and revisions of the budget approved by the board of directors shall first be reviewed by the associated student body and, in the case of an approved budget, shall be subject to the requirements of chapter 28A.505 RCW regarding emergency expenditures or budget extensions. The budget as approved shall constitute an appropriation and authorization for the disbursement of funds for the purposes established in the budget.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-110, filed 7/25/01, effective 8/25/01.]

WAC 392-138-115 Associated student body public moneys—Deposit and investment. All associated student body public moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the "associated student body program fund" of the school district and shall be accounted for, expended, and invested subject to the practices and procedures governing other moneys of the district except as such practices and procedures are modified by or pursuant to this chapter.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-115, filed 7/25/01, effective 8/25/01.]

WAC 392-138-120 Associated student body public moneys—Imprest bank checking account. The board of directors of a school district may authorize the establishment and maintenance of an associated student body imprest bank checking account for convenience and efficiency in expediting disbursements, subject to the following conditions:

(1) The maximum amount of such an account shall be no more than is necessary to provide for disbursements at the level of the month of highest estimated demand for disbursements;

(2007 Ed.)

(2) An imprest bank checking account shall be initiated by deposit of, and replenished by, a warrant drawn on the associated student body program fund;

(3) Disbursements from an imprest bank checking account shall be by check and shall be restricted to payments of invoices bearing evidence of student approval in accordance with associated student body bylaws;

(4) An imprest bank checking account shall be replenished at least once each month by a warrant drawn on the associated student body program fund in payment of an approved voucher in an amount equal to the sum total of the disbursements made by check from the imprest bank checking account during the preceding interval; and

(5) The replenishment voucher shall reflect such information as the central district office shall prescribe relative to identification of invoices, invoice approvals, codification of expenditures, cancelled checks, and other information deemed pertinent.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-120, filed 7/25/01, effective 8/25/01.]

WAC 392-138-125 Associated student body public moneys—Disbursement approval—Total disbursements. Associated student body public moneys shall be disbursed subject to the following conditions:

(1) No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-040;

(2) Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe;

(3) All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Supporting documentation of the vouchers shall bear evidence of approval by the associated student body governing body in accordance with associated student body bylaws;

(4) When an account within the fund balance of an associated student body organization does not contain a sufficient balance to meet a proposed disbursement, such disbursement shall be limited to the fund balance: Provided, That a transfer of fund balance between associated student body organizations may be made pursuant to the associated student body bylaws and as approved by the associated student body governing body;

(5) Warrants shall not be issued in excess of the moneys on deposit with the county treasurer in the associated student body program fund; and

(6) All disbursements shall be made by warrant except for disbursements from imprest bank accounts and petty cash funds provided for in this chapter.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-125, filed 7/25/01, effective 8/25/01.]

WAC 392-138-130 Associated student body public moneys—League and other joint activities. Athletic league and other forms of joint inter and intra school district associated student body programs are not precluded by this chapter. In the case of such joint programs, a single school district or associated student body or a board representing the participating associated student bodies shall manage associated stu-

dent body moneys made available to it for the support of the joint program and received as a result of the conduct of such program, in compliance with this chapter and a written cooperative agreement authorized by the board(s) of directors of the district(s).

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-130, filed 7/25/01, effective 8/25/01.]

WAC 392-138-200 Nonassociated student body private moneys. The board of directors of a school district may permit student groups to raise moneys through fund-raising or solicitation in their private capacities when the following conditions are met:

(1) Prior to solicitation of such funds, the school board approves policies defining the scope and nature of fund-raising permitted. School board policy includes provisions to ensure appropriate accountability, including prompt deposit, holding the moneys in trust, and disbursement only for the intended purpose of the fund-raiser;

(2) Such funds are used for scholarship, student exchange, and/or charitable purposes. Charitable purposes do not include any activity related to assisting a campaign for election of a person to an office or promotion or opposition to a ballot proposition;

(3) Prior to solicitation of such funds notice is given. Such notice identifies the intended purpose of the fund-raiser, further it states the proceeds are nonassociated student body funds to be held in trust by the school district exclusively for the intended purposes;

(4) The school district withholds or otherwise is compensated an amount adequate to reimburse the district for its direct costs in handling these private moneys; and

(5) WAC 392-138-205 applies to moneys received, deposited, invested, and accounted for under this section.

Nonassociated student body private moneys shall not be deemed public moneys under section 7, Article VIII of the state Constitution.

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-200, filed 7/25/01, effective 8/25/01.]

WAC 392-138-205 Nonassociated student body private moneys—Deposit and investment. All nonassociated student body private moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the school district's trust fund or the associated student body fund, if held in trust within that fund within accounts as defined in WAC 392-138-010 and shall be accounted for, expended, and invested subject to applicable school board policy and/or procedures pursuant to WAC 392-138-200.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-205, filed 7/25/01, effective 8/25/01.]

[Title 392 WAC—p. 138]

WAC 392-138-210 Nonassociated student body private moneys—Disbursement approval—Total disbursements. Nonassociated student body private moneys shall be disbursed subject to the following conditions:

(1) If such funds are held in trust within the associated student body fund, they shall be budgeted pursuant to WAC 392-138-013 (1)(d). No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-110. All disbursements shall have the prior written approval of the associated student body or such other authority designated in school district policy or procedures;

(2) If such funds are held in a trust fund, they are not budgeted. Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe, and as provided for in subsection (3) of this section;

(3) Vouchers authorizing disbursements shall be accompanied by written evidence of approval of disbursement by the associated student body or other authority designated in the school district's policies and procedures;

(4) Disbursements shall be made only for the intended purposes pursuant to WAC 392-138-200.

[Statutory Authority: RCW 28A.325.020. 01-16-078, § 392-138-210, filed 7/25/01, effective 8/25/01.]

Chapter 392-139 WAC

FINANCE—MAINTENANCE AND OPERATION LEVIES

WAC

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392-139-010	Establishment of the maximum dollar amount of school district levies—General. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-010, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-010, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-010, filed 11/26/80; 79-01-006 (Order 13-78), § 392-139-010, filed 12/8/78.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
392-139-015	Definitions. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-015, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
392-139-016	Definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-016, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-016, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-016, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-016, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
392-139-017	Additional definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-017, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-017, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-017, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
392-139-018	Additional definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-018, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-018, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-018, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
392-139-019	Determination of total general funding capacity for 1983 tax collections. [Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-019, filed 8/17/83.] Repealed by 83-23-039 (Order 83-18), filed 11/9/83. Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)].
392-139-020	Schedule I—Calculation of basic levy limitation for calendar year 19—. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-020, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
392-139-021	Determination of excess general fund levy capacity attributable to basic education allocation. [Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-021, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 82-05-025 (Order 82-3), § 293-139-021, filed 2/11/82, effective 4/6/82; 80-18-020 (Order

392-139-022

80-38), § 392-139-021, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.

Determination of excess general fund levy capacity attributable to less than one hundred percent funding of the basic education allocation formula. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-022, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-022, filed 8/17/83.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.

392-139-025

Schedule II—Calculation of additional levy authority (exceeding basic levy limitation for 19— calendar year). [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-025, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.

392-139-026

Determination of additional excess general fund levy capacity. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-026, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-026, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-026, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.

392-139-027

Determination of additional excess general fund levy capacity for 1983 collections. [Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-027, filed 9/29/81, effective 12/27/81.] Repealed by 83-23-039 (Order 83-18), filed 11/9/83. Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)].

392-139-030

Schedule III—Prior year 100% formula funding. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-030, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.

392-139-031

Determination of excess general fund levy capacity attributable to state-funded categorical programs. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-031, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-031, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-031, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.

392-139-035

Schedule IV—Estimated current year basic education funding. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-035, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.

392-139-036

Determination of excess general fund levy capacity to be transferred from the nonresident school district to the resident school district for interdistrict cooperation programs. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-036, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-036, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-036, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-036, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.

392-139-037

Determination of excess general fund levy capacity to be transferred from the high school district to the non-high school district. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-037, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-037, filed 9/29/81, effective 12/27/81.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.

392-139-038

Notification of maximum levy collection amounts. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-038, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-038, filed 9/29/81, effective 12/27/81.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.

392-139-040	Schedule V—Small school factors. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-040, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.		effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-132, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
392-139-045	Schedule VI—Small high school factors. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-045, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.	392-139-134	Definition—4499 Transportation reimbursement—Depreciation. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-134, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-134, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-134, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
392-139-056	Definition—Current calendar year. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-056, filed 1/8/88.] Repealed by 93-21-092 (Order 93-20), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10).	392-139-150	Definition—5200 General purpose direct federal grants, unassigned. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-150, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-150, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
392-139-057	Definition—Next calendar year. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-057, filed 1/8/88.] Repealed by 93-21-092 (Order 93-20), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10).	392-139-152	Definition—6100 Special purpose, OSPI, unassigned. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-152, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-152, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
392-139-120	Definition—4121 Special education. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-120, filed 9/11/96, effective 10/12/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-120, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-120, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).	392-139-154	Definition—6124 Special education, supplemental Part B. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-154, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-154, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
392-139-122	Definition—4155 Learning assistance. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 92-19-124 (Order 92-07), § 392-139-122, filed 9/21/92, effective 10/22/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-122, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-122, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-122, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).	392-139-156	Definition—6127 Special education, deinstitutionalized. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-156, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-156, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-156, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
392-139-126	Definition—4165 Transitional bilingual. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-126, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-126, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-126, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).	392-139-158	Definition—6138 Secondary vocational education. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-158, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-158, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
392-139-128	Definition—4174 Highly capable. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-128, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-128, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-128, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).	392-139-160	Definition—6146 Skills center. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-160, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
392-139-129	Definition—4175 Local education program enhancement. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-129, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-129, filed 11/22/89, effective 12/23/89.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).	392-139-162	Definition—6151 Remediation, ESEA, Chapter 1. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-162, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-162, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-162, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
392-139-130	Definition—4198 School food services. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-130, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).	392-139-164	Definition—6153 Migrant, ESEA, Chapter 1. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-164, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-164, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-164, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed
392-139-132	Definition—4199 Transportation—Operations. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-132, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-132, filed 11/22/89,		

- 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-166 Definition—6162 Refugee, P.L. 96-212. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-166, filed 1/8/88.] Repealed by 96-19-037 (Order 96-13), filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290.
- 392-139-168 Definition—6164 Bilingual, P.L. 93-380. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-168, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-168, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-170 Definition—6167 Indian education, JOM. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-170, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-172 Definition—6176 ESEA, Chapter 2, P.L. 100-297. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-172, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 92-19-124 (Order 92-07), § 392-139-172, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-172, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-172, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-174 Definition—6177 Mathematics and science. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-174, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-176 Definition—6198 School food services. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-176, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-178 Definition—6200 Direct special purpose grants. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-178, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-180 Definition—6246 Skills center, direct federal grant. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-180, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-182 Definition—6264 Bilingual, P.L. 93-380. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-182, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-182, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-184 Definition—6268 Indian education, ED. [Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-184, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-184, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-186 Definition—6998 USDA commodities. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-186, filed 1/8/88.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-220 Definition—P-223NR. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-220, filed 1/8/88.] Repealed by 96-19-037 (Order 96-13), filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-225, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-225, filed 1/8/88.] Repealed by 96-19-037 (Order 96-13), filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290.
- 392-139-225 Definition—Form 1067. [Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-225, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-225, filed 1/8/88.] Repealed by 96-19-037 (Order 96-13), filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290.
- 392-139-240 Definition—Base year levy percentage. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-240, filed 1/8/88.] Repealed by 89-23-121 (Order 18), filed 11/22/89, effective 12/23/89. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10).
- 392-139-243 Definition—Levy reduction funds—Calendar year 1989. [Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-243, filed 11/22/89, effective 12/23/89.] Repealed by 92-19-124 (Order 92-07), filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10).
- 392-139-605 Definition—District ten percent levy amount. [Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-605, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-605, filed 1/8/88.] Repealed by 00-09-017, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(9) and RCW 28A.150.290.
- 392-139-611 Definition—District twelve percent levy rate. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-611, filed 10/20/93, effective 11/20/93.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-616 Definition—Statewide average twelve percent levy rate. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-616, filed 10/20/93, effective 11/20/93.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-621 Definition—Eligible district—1994 and 1995. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-621, filed 10/20/93, effective 11/20/93.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-622 Definition—Districts eligible for ten percent equalization—1999 and thereafter. [Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-622, filed 4/1/98, effective 5/2/98.] Repealed by 00-09-017, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(9) and RCW 28A.150.290.
- 392-139-623 Definition—Districts eligible for twelve percent equalization—1999 and thereafter. [Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-623, filed 4/1/98, effective 5/2/98.] Repealed by 00-09-017, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(9) and RCW 28A.150.290.
- 392-139-626 Definition—State matching ratio—1994 and 1995. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-626, filed 10/20/93, effective 11/20/93.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-650 Determination of local effort assistance—General. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-650, filed 1/8/88.] Repealed by 89-23-121 (Order 18), filed 11/22/89, effective 12/23/89. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10).
- 392-139-661 Determination of maximum local effort assistance—1999 and thereafter. [Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-661, filed 4/1/98, effective 5/2/98.] Repealed by 00-09-017, filed 4/11/00, effective 5/12/00. Statutory

- 392-139-674 Authority: RCW 84.52.0531(9) and RCW 28A.150.-290.
Allocation of local effort assistance for calendar year 1989. [Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-674, filed 11/22/89, effective 12/23/89.] Repealed by 92-19-124 (Order 92-07), filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.150.290(2) and 84.52.-0531(10).
- 392-139-675 Allocation of local effort assistance—1992 Calendar year. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 92-19-124 (Order 92-07), § 392-139-675, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-675, filed 11/22/89, effective 12/23/89.] Repealed by 93-21-092 (Order 93-20), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10).
- 392-139-680 Determination of maximum local effort assistance—1994 and 1995. [Statutory Authority: RCW 28A.150.-290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-680, filed 10/20/93, effective 11/20/93.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.-0531(a) and 28A.150.290(2).
- 392-139-681 Determination of local effort assistance allocations—1994 and 1995. [Statutory Authority: RCW 28A.150.-290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-681, filed 10/20/93, effective 11/20/93.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.-0531(a) and 28A.150.290(2).
- 392-139-685 Determination of safety net allocations. [Statutory Authority: RCW 84.52.0531(9). 94-21-072 (Order 94-13), § 392-139-685, filed 10/18/94, effective 11/18/94. Statutory Authority: RCW 28A.150.290(2) and 84.52.-0531(10). 93-21-092 (Order 93-20), § 392-139-685, filed 10/20/93, effective 11/20/93.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.-290(2).
- 392-139-690 Determination of proration percentages. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-690, filed 10/20/93, effective 11/20/93.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).
- 392-139-691 Monthly payments of local effort assistance—1994 and 1995. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-691, filed 10/20/93, effective 11/20/93.] Repealed by 98-08-096 (Order 98-06), filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2).

GENERAL PROVISIONS AND DEFINITIONS

WAC 392-139-001 Authority. The authorities for this chapter are RCW 84.52.0531(9) and 28A.150.290.

(1) RCW 84.52.0531(9) authorizes the superintendent of public instruction to promulgate rules and regulations regarding the limitation of local school district excess levies otherwise known as the "Special levy lid law."

(2) RCW 28A.150.290 authorizes the superintendent of public instruction to promulgate such rules and regulations as are necessary for administration of state general fund support for the common schools pursuant to chapter 28A.150 RCW. Rules regarding allocation of state general fund moneys for the purpose of partially equalizing excess levy tax rates, otherwise known as "local effort assistance" are adopted pursuant to this general authority.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-001, filed 4/11/00, effective 5/12/00. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-001, filed 1/8/88. Statutory Authority: RCW

84.52.0531(7). 84-05-017 (Order 84-4), § 392-139-001, filed 2/9/84; 83-23-039 (Order 83-18), § 392-139-001, filed 11/9/83; 83-17-058 (Order 83-6), § 392-139-001, filed 8/17/83.]

WAC 392-139-005 Purposes. The purposes of this chapter are to define the annual procedures that the superintendent of public instruction shall use to determine for each school district:

(1) The maximum dollar amount which may be levied on its behalf for general fund maintenance and operation support pursuant to RCW 84.52.053 and 84.52.0531; and

(2) The local effort assistance to be allocated to it pursuant to chapter 28A.500 RCW.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-005, filed 4/11/00, effective 5/12/00. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-005, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-005, filed 1/8/88. Statutory Authority: RCW 84.52.0531(7). 83-23-039 (Order 83-18), § 392-139-005, filed 11/9/83; 83-17-058 (Order 83-6), § 392-139-005, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 82-07-085 (Order 82-5), § 392-139-005, filed 3/24/82; 81-20-023 (Order 81-31), § 392-139-005, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-005, filed 11/26/80; 79-01-006 (Order 13-78), § 392-139-005, filed 12/8/78.]

WAC 392-139-007 Organization of this chapter. This chapter contains rules for excess levy authority and state matching money for excess levies also known as local effort assistance. The general organization of the chapter is as follows:

- Sections 001-099 General provisions and definitions.
- Sections 100-299 Definitions for excess levy authority.
- Sections 300-399 Determination of excess levy authority.
- Sections 600-649 Definitions for local effort assistance.
- Sections 660-679 Determination of local effort assistance.
- Sections 900-999 Notification, petitions and requests for review.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-007, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-007, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.-290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-007, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-007, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-007, filed 1/8/88.]

WAC 392-139-008 Effective date. This chapter applies to levy authority and local effort assistance calculations for the 2005 calendar year and thereafter. Levy authority and local effort assistance calculations for prior calendar years are governed by rules in effect as of January 1 of the calendar year.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 03-21-040, § 392-139-008, filed 10/8/03, effective 11/8/03. Statutory Authority: RCW 28A.150.290(1) and 84.52.0531(9). 02-17-113, § 392-139-008, filed 8/21/02, effective 9/21/02; 01-22-098, § 392-139-008, filed 11/6/01, effective 12/7/01. Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-008, filed 4/11/00, effective 5/12/00.]

WAC 392-139-050 Definition—School year. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-050, filed 1/8/88.]

WAC 392-139-051 Definition—Prior school year. As used in this chapter, "prior school year" means the most recent school year completed prior to the calendar year for which excess levy authority is being calculated pursuant to this chapter.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-051, filed 1/8/88.]

WAC 392-139-052 Definition—Current school year. As used in this chapter, "current school year" means the school year completed during the calendar year for which excess levy authority is being calculated pursuant to this chapter.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-052, filed 1/8/88.]

WAC 392-139-055 Definition—Calendar year. As used in this chapter, "calendar year" means the period commencing on January 1 and ending on December 31. Unless otherwise stated, calendar year references including numeric references (e.g., 1994) are to the calendar year for which levy authority and local effort assistance are being calculated pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-055, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-055, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-055, filed 1/8/88.]

WAC 392-139-058 Definition—Prior year and prior calendar year. As used in this chapter, "prior year" and "prior calendar year" mean the calendar year preceding the year for which levy authority and local effort assistance are being calculated pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-058, filed 10/20/93, effective 11/20/93.]

DEFINITIONS FOR EXCESS LEVY AUTHORITY

WAC 392-139-100 Definition—Certified excess levy. As used in this chapter, "certified excess levy" means the amount certified pursuant to RCW 84.52.020 by or on behalf of a school district to the board or boards of county commissioners of the county or counties of the school district for collection in a given calendar year for general fund maintenance and operation support of the school district pursuant to RCW 84.52.053.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-100, filed 1/8/88.]

WAC 392-139-105 Definition—Excess levy authority. As used in this chapter, the term "excess levy authority" means the maximum allowed dollar amount of a school district's certified excess levy for a given calendar year as determined pursuant to this chapter.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-105, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-105, filed 1/8/88.]

(2007 Ed.)

WAC 392-139-110 Definition—Report 1191. As used in this chapter, "Report 1191" means the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time equivalent student, the basic education allocation, and the amount of state-funded support for the school year for each school district. The amount of a school district's basic education allocation included in the excess levy base pursuant to WAC 392-139-310 (1)(a) is taken from this report.

[Statutory Authority: RCW 28A.150.290(1) and 84.52.0531(9). 01-22-098, § 392-139-110, filed 11/6/01, effective 12/7/01. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-110, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-110, filed 1/8/88.]

WAC 392-139-115 Definition—Basic education allocation. As used in this chapter, "basic education allocation" means the amount of state moneys calculated by the superintendent of public instruction which is the basis for the superintendent's distribution of moneys to school districts for the operation of a basic program of education pursuant to RCW 28A.150.200, et seq., RCW 28A.150.250, and 28A.150.260, chapter 392-121 WAC, and the Biennial Operating Appropriations Act. The amount of a school district's total guaranteed entitlement plus skills center summer program funding as reported on the August Report 1191 before any proration due to less than one hundred percent funding is considered a school district's basic education allocation in determining the school district's excess levy base pursuant to WAC 392-139-310.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 92-19-124 (Order 92-07), § 392-139-115, filed 9/21/92, effective 10/22/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-115, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-115, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-115, filed 1/8/88.]

WAC 392-139-200 Definition—Report 1197. As used in this chapter, "Report 1197" means the monthly statement of apportionment prepared and distributed by the superintendent of public instruction which reports the annual allotment of state and federal funds. The dollar amounts of allotments for selected accounts reported on the August Report 1197 are included in the district excess levy base calculated pursuant to WAC 392-139-310. The accounts included in the levy base and reported on Report 1197 are listed in WAC 392-139-310 (4)(a).

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-200, filed 1/8/88.]

WAC 392-139-205 Definition—F-195. As used in this chapter, "F-195" means the annual school district budget document including budget extensions officially adopted by each school district pursuant to chapter 28A.505 RCW for each year's operations. This document includes estimates of revenues to be received from federal sources during the school year. The federal revenues reported on a school district's F-195 for the prior school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qual-

ify for inclusion and are not reported on Report 1197. The accounts included in the levy base and reported on the F-195 are listed in WAC 392-139-310 (4)(b).

[Statutory Authority: RCW 28A.150.290(1) and 84.52.0531(9). 02-17-113, § 392-139-205, filed 8/21/02, effective 9/21/02. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-205, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-205, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-205, filed 1/8/88.]

WAC 392-139-210 Definition—Annual average full-time equivalent (AAFTE) students. As used in this chapter, "annual average full-time equivalent (AAFTE) students" means the same defined in WAC 392-121-133.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-210, filed 1/8/88.]

WAC 392-139-215 Definition—P-223H. As used in this chapter, "P-223H" means the form printed by the superintendent of public instruction and distributed annually to all school districts for reporting of special education students pursuant to chapter 28A.155 RCW.

[Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-215, filed 4/1/98, effective 5/2/98. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-215, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-215, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-215, filed 1/8/88.]

WAC 392-139-230 Definition—P-213. As used in this chapter, "P-213" means the form entitled report of students residing in nonhigh school districts enrolled in high school districts. P-213 forms are printed and distributed annually by the superintendent of public instruction to high school districts educating students from nonhigh school districts. School districts use the P-213 to report enrollment of students residing in a nonhigh school district and enrolled in a high school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC. Enrollments reported on this form are used in calculating excess levy authority transfers from high school districts to nonhigh school districts pursuant to WAC 392-139-340.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-230, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-230, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-230, filed 1/8/88.]

WAC 392-139-235 Definition—Annual average full-time equivalent (AAFTE) resident enrollment. As used in this chapter "AAFTE resident enrollment" means the AAFTE students residing in a school district which shall be determined as follows:

- (1) Determine total AAFTE students enrolled in the school district for the school year;
- (2) Add AAFTE students residing in the school district but enrolled in another school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.335.160, 28A.225.250, and chapter 392-135 WAC;
- (3) Add AAFTE students residing in the school district but enrolled in another school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC;

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(4) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.335.160, 28A.225.250, and chapter 392-135 WAC;

(5) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-235, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-235, filed 1/8/88.]

WAC 392-139-245 Definition—Levy reduction funds. As used in this chapter, "levy reduction funds" means the increases in state allocations to a school district from the prior school year for programs included under WAC 392-139-310:

- (1) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and
- (2) That are or were specifically identified as levy reduction funds in the Biennial Operating Appropriations Act in effect at the time of calculations performed pursuant to this chapter.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-245, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-245, filed 1/8/88.]

WAC 392-139-297 General procedures. All processes, calculations, and procedures used by the superintendent of public instruction in the administration of this chapter shall be conditioned on the following:

- (1) Only data collected and approved by the superintendent of public instruction shall be used.
- (2) All calculations, except those related to levy reduction funds, that are dependent on data which are not final at the time the calculation is performed shall be based on estimates prepared by the superintendent of public instruction.
- (3) The calculation of levy reduction funds dependent on data that is not final at the time of the calculation will be calculated using prior school year data.
- (4) The following rounding procedures shall be used:
 - (a) Dollars to the nearest whole;
 - (b) Student enrollments to the nearest two decimal places;
 - (c) Percentages to the nearest two decimal places;
 - (d) Ratios to the nearest three decimal places; and
 - (e) Levy rates to the nearest six decimal places.
- (5) The superintendent of public instruction shall provide each school district by August 31st of each year with the appropriate procedures for all calculations performed in this chapter.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-297, filed 11/22/89, effective 12/23/89.]

DETERMINATION OF EXCESS LEVY AUTHORITY

WAC 392-139-300 Establishment of excess levy authority for school districts—General. The maximum dollar amount of any school district's certified excess levy for any given calendar year shall equal the excess levy authority established by the superintendent of public instruction as follows:

(1) Multiply the school district's excess levy base determined pursuant to WAC 392-139-310 by the school district's maximum excess levy percentage determined pursuant to WAC 392-139-320;

(2) Adjust the result obtained in subsection (1) of this section by the amount of the school district's excess levy authority transfers determined pursuant to WAC 392-139-330, 392-139-340, and 392-139-901; and

(3) Subtract the school district's maximum local effort assistance determined pursuant to WAC 392-139-660.

[Statutory Authority: RCW 28A.150.290(1) and 84.52.0531(9). 01-22-098, § 392-139-300, filed 11/6/01, effective 12/7/01. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-300, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-300, filed 1/8/88.]

WAC 392-139-310 Determination of excess levy base.

The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section.

(1) Sum the following state and federal allocations from the prior school year(s) as determined in subsections (4) and (5) of this section:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations; and

4499 Transportation - depreciation.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education; and

6124 Special education supplemental.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

3100 Barrier reduction;

4155 Learning assistance;

4165 Transitional bilingual;

4163 Promoting academic success;

4166 Student achievement;

6151 Disadvantaged;

6153 Migrant;

6164 Limited English proficiency;

6264 Bilingual (direct);

6267 Indian education - JOM;

6268 Indian education - ED; and

6367 Indian education - JOM.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);

6198 School food services (federal); and

6998 USDA commodities.

(vi) Statewide block grant programs. Allocations for statewide block grant programs include allocations identified by the following accounts:

6176 Targeted assistance.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants - unassigned;

6100 Special purpose - OSPI - unassigned;

6121 Special education - Medicaid reimbursement;

6138 Secondary vocational education;

6146 Skills center;

6152 School improvement;

6154 Reading first;

6200 Direct special purpose grants; and

6300 Federal grants through other agencies - unassigned;

6310 Medicaid administrative match; and

6352 School improvement.

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are defined in the accounting manual for public school districts in the state of Washington.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

3100 Barrier reduction;

4121 Special education;

4155 Learning assistance;

4163 Promoting academic success;

4165 Transitional bilingual;

4166 Student achievement;

4174 Highly capable;

4198 School food services (state);

4199 Transportation - operations;

4499 Transportation - depreciation;

6121 Special education - Medicaid reimbursements;

6124 Special education - supplemental;

6138 Secondary vocational education;

6146 Skills center;

6151 Disadvantaged;

6152 School improvement;

6153 Migrant;

6154 Reading first;

6164 Limited English proficiency;

6176 Targeted assistance; and

6198 School food services (federal).

(b) For the 2004 calendar year, the following state and federal allocations are taken from the F-195 budget including budget extensions.

For the 2005 calendar year and thereafter, the following federal allocations shall be taken from the school district's second prior year F-196 annual financial report:

5200 General purpose direct federal grants - unassigned;

6100 Special purpose - OSPI - unassigned;

6200 Direct special purpose grants;

6264 Bilingual (direct);

6267 Indian education - JOM;

6268 Indian education - ED;

6300 Federal grants through other agencies - unassigned;

6310 Medicaid administrative match;
6352 School improvement;
6367 Indian education - JOM; and
6998 USDA commodities.

(5) Effective for levy authority and local effort assistance calculations for the 2005 calendar year and thereafter:

(a) District revenues determined in subsection (4) of this section shall be reduced for revenues received as a fiscal agent. School districts shall report fiscal agent revenues pursuant to instructions provided by the superintendent of public instruction.

(b) The amount determined in subsection (4)(b) of this section, after adjustment for fiscal agent moneys, shall be inflated for one year using the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce.

(6) State and federal moneys generated by a school district's students and redirected by the superintendent of public instruction to an educational service district at the request of the school district shall be included in the district's levy base.

(7) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

[Statutory Authority: RCW 28A.150.290. 06-17-142, § 392-139-310, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 03-21-040, § 392-139-310, filed 10/8/03, effective 11/8/03. Statutory Authority: RCW 28A.150.290(1) and 84.52.0531(9). 02-17-113, § 392-139-310, filed 8/21/02, effective 9/21/02; 01-22-098, § 392-139-310, filed 11/6/01, effective 12/7/01. Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-310, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-310, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-310, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-310, filed 10/20/93, effective 11/20/93; 92-19-124 (Order 92-07), § 392-139-310, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-310, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-310, filed 1/8/88.]

WAC 392-139-320 Determination of maximum excess levy percentage. The superintendent of public instruction shall calculate each school district's maximum excess levy percentage as the greater of twenty-four percent or the percentage calculated as follows:

(1) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by the school district's maximum excess levy percentage for the prior calendar year;

(2) Subtract from the result of subsection (1) of this section the school district's levy reduction funds for the year of the levy; and

(3) Divide the result of subsection (2) of this section by the school district's excess levy base.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-320, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-320, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-320, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-320, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and

84.52.0531(10). 89-23-121 (Order 18), § 392-139-320, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-320, filed 1/8/88.]

WAC 392-139-330 Determination of excess levy authority transfers for interdistrict cooperation programs. The superintendent of public instruction shall calculate the amount of levy authority transfers for the next calendar year for interdistrict cooperation programs as provided in this section. For students who during the prior school year resided in one school district (the sending district) but attended school in another school district (the serving district) pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.335.160 or 28A.225.250 and chapter 392-135 WAC, the serving district's excess levy authority for the next calendar year shall be reduced and the sending district's excess levy authority for the next calendar year shall be increased by the same amount which shall be determined as follows:

(1) Determine the serving district's basic education allocation that is included in the excess levy base pursuant to WAC 392-139-310;

(2) Divide the result in subsection (1) of this section by the total AAFTE students enrolled in the serving district in the prior school year as reported on the district's August Report 1191;

(3) Multiply the result in subsection (2) of this section by the AAFTE students residing in the sending district and enrolled in the serving district in the prior school year pursuant to an interdistrict cooperation agreement as reported on form P-223;

(4) Determine the percentage increase per full-time equivalent student between the prior school year and the current school year as stated in the state basic education appropriation in the state Operating Appropriations Act;

(5) Increase the percentage in subsection (4) of this section by dividing the percentage in subsection (4) of this section by 0.55;

(6) Increase the result in subsection (3) of this section by the percentage increase calculated in subsection (5) of this section; and

(7) Multiply the result in subsection (6) of this section by the maximum excess levy percentage for the serving district pursuant to WAC 392-139-320.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-330, filed 9/11/96, effective 10/12/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-330, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-330, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-330, filed 1/8/88.]

WAC 392-139-340 Determination of excess levy authority transfers from high school districts to nonhigh school districts. The superintendent of public instruction shall determine the amount of excess levy authority transfers for the next calendar year from high school districts to nonhigh school districts as provided in this section. For students residing in a nonhigh school district but enrolled in a high school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC, the high school district's excess levy authority shall be reduced and the nonhigh school district's excess levy authority shall be increased by the same amount. The amount of the excess levy authority transfer shall equal the

estimated excess levy authority transfer for the current school year calculated pursuant to subsection (1) of this section adjusted by the amount of the nonhigh billing adjustment for the prior school year calculated pursuant to subsection (2) of this section.

(1) The estimated excess levy authority transfer for the current school year is determined as follows:

(a) Calculate the high school district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustments for transfers of excess levy authority pursuant to this section and WAC 392-139-330;

(b) Divide the result by the estimated total AAFTE students enrolled in the high school district in the current school year as reported to the superintendent of public instruction on form P-213; and

(c) Multiply the result by the estimated AAFTE students residing in the nonhigh school district and enrolled in the high school district for the current school year pursuant to chapter 28A.545 RCW as reported on form P-213.

(2) The amount of the nonhigh billing adjustment for the prior school year is determined as follows:

(a) Determine the high school district's certified excess levy for the current calendar year;

(b) Divide the result by the high school district's AAFTE resident enrollment for the prior school year determined pursuant to WAC 392-139-235 using AAFTE student enrollments reported on the August Report 1191 and forms P-213 and P-223; and

(c) Multiply the result by the number of AAFTE students determined as follows:

(i) Determine the actual AAFTE students residing in the nonhigh school district and enrolled in the high school district in the prior school year pursuant to chapter 28A.545 RCW as reported in the current calendar year on form P-213; and

(ii) Subtract the estimated AAFTE students from the nonhigh school district enrolled in the high school district in the prior school year pursuant to chapter 28A.545 RCW as reported on form P-213 for the prior calendar year.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-340, filed 9/11/96, effective 10/12/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-340, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-340, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-340, filed 1/8/88.]

WAC 392-139-345 Definition—F-196. As used in this chapter, "F-196" means the annual school district financial reports filed by the school district with OSPI pursuant to WAC 392-117-035. This document includes the total amounts of revenue recorded from federal sources for the closed school year. These federal revenues reported on the school district's F-196 for the school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qualify for inclusion and are not reported on the Report 1197. The accounts included in the levy base and reported on the F-196 are listed in WAC 392-139-310 (4)(b).

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 03-21-040, § 392-139-345, filed 10/8/03, effective 11/8/03.]

(2007 Ed.)

WAC 392-139-350 Definition—Revenues in the levy base received as a fiscal agent. (1) As used in this chapter, "revenues in the levy base received as a fiscal agent" means revenues included in a district's levy base pursuant to WAC 392-139-310 that are:

(a) Received by the district as an administrator for a consortium or cooperative for the benefit of students enrolled in other school districts;

(b) Passed through to another entity for the benefit of students not enrolled in the school district or persons not employed by the school district; or

(c) Directly expended by the district for the benefit of students not enrolled in the school district or persons not employed by the school district.

(2) For the purposes of this chapter, "revenues in the levy base received as a fiscal agent" do not include:

(a) Revenues received for the operation of an interdistrict cooperation program authorized pursuant to RCW 28A.335.160 or 28A.225.250 and chapter 392-135 WAC, if levy authority is transferred pursuant to WAC 392-139-330 or 392-139-901; or

(b) Revenues received by a high school district for serving students from a nonhigh school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC for which levy authority is transferred pursuant to WAC 392-139-340.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 03-21-040, § 392-139-350, filed 10/8/03, effective 11/8/03.]

DEFINITIONS FOR LOCAL EFFORT ASSISTANCE

WAC 392-139-600 Definition—Adjusted assessed valuation. As used in this chapter, the term "adjusted assessed valuation" means the assessed valuation for excess levy purposes adjusted to one hundred percent by the county indicated ratio determined by the department of revenue pursuant to RCW 84.48.075.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-600, filed 1/8/88.]

WAC 392-139-606 Definition—District twelve percent levy amount. As used in this chapter, "district twelve percent levy amount" means the dollar amount determined for each school district as follows:

(1) Perform the calculations pursuant to WAC 392-139-300 (1) and (2) to arrive at the school district excess levy authority after excess levy transfers but before subtracting maximum local effort assistance;

(2) Divide the result by the school district maximum excess levy percentage calculated pursuant to WAC 392-139-320; and

(3) Multiply the result by twelve percent.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-606, filed 10/20/93, effective 11/20/93.]

WAC 392-139-610 Definition—District twelve percent levy rate. As used in this chapter, "district twelve percent levy rate" means the district twelve percent levy amount divided by the district adjusted assessed valuation for taxes collected in the prior calendar year.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-610, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW

28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-610, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-610, filed 1/8/88.]

WAC 392-139-615 Definition—Statewide average twelve percent levy rate. As used in this chapter, "statewide average twelve percent levy rate" means twelve percent of the total excess levy bases for the next calendar year determined pursuant to WAC 392-139-310 for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the prior calendar year.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-615, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-615, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-615, filed 1/8/88.]

WAC 392-139-620 Definition—Eligible school district. As used in this chapter, "eligible school district" means a school district whose twelve percent levy rate exceeds the statewide average twelve percent levy rate.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-620, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-620, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-620, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-620, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-620, filed 1/8/88.]

WAC 392-139-625 Definition—State matching ratio. As used in this chapter, "state matching ratio" means the ratio calculated for each school district as follows:

- (1) Subtract the statewide average twelve percent levy rate from the district twelve percent levy rate; and
- (2) Divide the result by the statewide average twelve percent levy rate.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-625, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-625, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-625, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-625, filed 1/8/88.]

DETERMINATION OF LOCAL EFFORT ASSISTANCE FOR 1998 AND THEREAFTER

WAC 392-139-660 Determination of maximum local effort assistance. The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district as follows:

- (1) Subtract the statewide average twelve percent levy rate from the district twelve percent levy rate;
- (2) Divide the result obtained in subsection (1) of this section by the district twelve percent levy rate; and
- (3) Multiply the result obtained in subsection (2) of this section by the district twelve percent levy amount.
- (4) For the 2003 calendar year only, multiply the result of subsection (3) of this section by 0.99.

[Statutory Authority: RCW 28A.150.290(1) and 84.52.0531(9). 02-17-113, § 392-139-660, filed 8/21/02, effective 9/21/02. Statutory Authority: RCW

84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-660, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-660, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-660, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-660, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-660, filed 1/8/88.]

WAC 392-139-665 Reporting of certified excess levy amounts. No later than the third Wednesday in December of each year, each educational service district shall report to the superintendent of public instruction the certified excess levies for the next calendar for school districts in the educational service district. Such report shall include copies of the documents used to certify excess levies to the board or boards of county commissioners pursuant to RCW 84.52.020.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-665, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-665, filed 1/8/88.]

WAC 392-139-670 Local effort assistance allocations. The superintendent of public instruction shall calculate each eligible school district's local effort assistance entitlement as the lesser of the amounts in subsections (1) and (2) of this section:

(1)(a) For the 2003 calendar year, the school district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the school district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625 times 0.99;

(b) For the 2004 calendar year and thereafter, the school district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the school district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625;

(2) The school district's maximum local effort assistance calculated pursuant to WAC 392-139-660.

[Statutory Authority: RCW 28A.150.290(1) and 84.52.0531(9). 02-17-113, § 392-139-670, filed 8/21/02, effective 9/21/02. Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-670, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-670, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-670, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-670, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-670, filed 1/8/88.]

WAC 392-139-676 Monthly payments of local effort assistance. The superintendent of public instruction shall distribute local effort assistance moneys pursuant to the schedule provided in RCW 28A.500.040.

[Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-676, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-676, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-676, filed 10/20/93, effective 11/20/93; 92-19-124 (Order 92-07), § 392-139-676, filed 9/21/92, effective 10/22/92.]

NOTIFICATION, PETITIONS AND REQUESTS FOR REVIEW

WAC 392-139-900 Notification of amounts calculated. The superintendent of public instruction shall provide notice of amounts calculated pursuant to this chapter as follows:

(1) Prior to October 15 of each year, the superintendent of public instruction shall notify each school district of the results of calculations made for the school district for the next calendar year including the following:

- (a) Excess levy authority;
- (b) Maximum excess levy percentage;
- (c) Eligibility for local effort assistance; and
- (d) If eligible for local effort assistance:
 - (i) Maximum local effort assistance;
 - (ii) State matching ratio;
 - (iii) Certified excess levy necessary to qualify for maximum local effort assistance; and
 - (iv) Projected local effort assistance allocation based on the superintendent of public instruction's estimate of certified excess levies for the next calendar year at the time of the notice.

(2) Prior to November 15 of each year, the superintendent of public instruction shall notify the county assessor and chairman of the board of county commissioners of each county of excess levy authority for the next calendar year for those school districts headquartered in the county.

(3) At the time of the January apportionment payment each year, the superintendent of public instruction shall notify each eligible school district of the amount of the school district's local effort assistance allocations for the year.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 90-12-080 (Order 12), § 392-139-900, filed 6/1/90, effective 7/2/90; 89-23-121 (Order 18), § 392-139-900, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-900, filed 1/8/88.]

WAC 392-139-901 Petitions for levy base adjustments. School districts may request levy base adjustments as follows:

At any time prior to September 15 of the prior calendar year, two or more school districts may petition the superintendent of public instruction to transfer levy base revenues between school districts for revenues generated by nonresident students served in an interdistrict cooperative for which no transfer is made pursuant to WAC 392-139-330 or 392-139-340. The petition shall state the revenue account(s) and dollar amounts to be transferred to and from each district. Net transfers for all districts shall equal zero. The petition shall be signed by the superintendent or authorized official of each participating school district. If the superintendent of public instruction finds that revenues were generated by services to nonresident students each district's levy base shall be adjusted accordingly.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-901, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-901, filed 10/20/93, effective 11/20/93.]

(2007 Ed.)

WAC 392-139-902 Requests for review. At any time prior to October 15 of the prior calendar year, a school district may request review of calculations made pursuant to this chapter. The request shall be in writing and shall be signed by the school district superintendent or authorized official. The superintendent of public instruction will review calculations and respond to the district on or before November 1.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-902, filed 10/20/93, effective 11/20/93.]

WAC 392-139-905 Submission of revised assessed valuation data and recalculation. Within fifteen days from the date of the notice provided pursuant to WAC 392-139-900(1), any school district may submit to the superintendent of public instruction revised assessed valuation data for taxes collected in the current calendar year. Revised assessed valuation data shall be documented in writing by the county assessor or assessors from the county or counties in which the school district is located. The superintendent of public instruction shall recalculate excess levy authority and local effort assistance based on the revised assessed valuation data and shall notify the school district submitting revised assessed valuation data and any other affected school districts of the results of the recalculation prior to November 1.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 90-12-080 (Order 12), § 392-139-905, filed 6/1/90, effective 7/2/90.]

Chapter 392-140 WAC FINANCE—SPECIAL ALLOCATIONS, INSTRUCTIONS, AND REQUIREMENTS

WAC

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392-140-903	K-4 Staff enhancement—Definitions.		
392-140-904	K-4 Staff enhancement—School district reporting.		
392-140-906	K-4 Staff enhancement—Determination of FTE K-4 basic education classified instructional assistants in 1989-90.	392-140-010	1981-83 Salary-compensation lid compliance—Authority and purposes. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-010, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-010, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-010, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
392-140-907	K-4 Staff enhancement—Determination of increase in K-4 basic education classified instructional assistants.		
392-140-908	K-4 Staff enhancement—Determination of the K-4 certificated staff ratio equivalent of increased K-4 classified instructional assistants.	392-140-011	1981-83 Salary-compensation lid compliance—Definitions. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-011, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-011, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-011, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
392-140-910	K-4 Staff enhancement—Determination of district K-4 certificated instructional staffing ratio.		
392-140-912	K-4 Staff enhancement—Determination of K-4 apportionment ratios.		
392-140-913	K-4 Staff enhancement—Reporting by the superintendent of public instruction.		
LEARNING IMPROVEMENT DAYS			
392-140-950	Learning improvement days—Applicable provisions.	392-140-012	1981-83 Salary-compensation lid compliance—Application to basic education staff. [Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-012, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
392-140-951	Learning improvement days—Purpose.		
392-140-955	Learning improvement days—Definition—Learning improvement day.	392-140-013	1981-83 Salary-compensation lid compliance—Initial reporting cycle—General. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-013, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-013, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
392-140-956	Learning improvement days—Other definitions.		
392-140-957	Learning improvement days—Allowable activities.		
392-140-961	Learning improvement days—Determination of the number of funded learning improvement days in the 2001-02 school year and thereafter.	392-140-014	1981-83 Salary-compensation lid compliance—Initial reporting cycle—District edit of personnel data. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-014, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-014, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-014, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
392-140-962	Learning improvement days—Salary allocations for learning improvement days.		
392-140-965	Learning improvement days—School district requests for review and adjustment.		
392-140-967	Learning improvement days—School district reporting requirements.		
SALARY BONUS FOR TEACHERS WHO ATTAIN CERTIFICATION BY THE NATIONAL BOARD			
392-140-970	Salary bonus for teachers who attain certification by the national board—Applicable provisions—Authority.	392-140-015	1981-83 Salary-compensation lid compliance—Initial reporting cycle—Data analysis and determination of need for additional information. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-015, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-015, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-015, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
392-140-971	Salary bonus for teachers who attain certification by the national board—Purpose.		
392-140-972	Salary bonus for teachers who attain certification by the national board—Definitions.		
392-140-973	Salary bonus for teachers who attain certification by the national board—Eligibility.		
392-140-974	Salary bonus for teachers who attain certification by the national board—Administrative procedures.	392-140-016	1981-83 Salary-compensation lid compliance—Initial reporting cycle—Review of additional information. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-016, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-016, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-016, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
392-140-002	1976 Levy relief funds—Entitlement of districts which submitted no excess levy propositions—Payments. [Order 7-75, § 392-140-002, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).	392-140-017	1981-83 Salary-compensation lid compliance—Initial reporting cycle—Determination of violation after review. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-017, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-017, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
392-140-003	1976 Levy relief funds—Entitlement of districts which submitted and passed an excess levy proposition—Payment. [Order 7-75, § 392-140-003, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).		
392-140-004	1976 Levy relief funds—Entitlement of districts which submitted and failed excess levy propositions—Payment. [Order 7-75, § 392-140-004, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).	392-140-018	1981-83 Salary-compensation lid compliance—Final reporting cycle. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-018, filed 8/17/83. Statutory Authority: RCW 28A.41.170.
392-140-005	1976 Levy relief funds—Additional special funds—Eligibility—Purpose—Payment. [Order 7-75, § 392-140-		

	82-07-058 (Order 82-4), § 392-140-018, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-018, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.	392-140-032	1981-83 State categorical special education program—Home and hospital. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-032, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
392-140-019	1981-83 Salary-compensation lid compliance—Compliance of average certificated salaries. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-019, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-019, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-019, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.	392-140-033	1981-83 State categorical special education program—Foster care. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-033, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
392-140-020	1981-83 Salary-compensation lid compliance—Compliance of average classified salaries. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-020, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-020, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-020, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.	392-140-034	1981-83 State categorical special education program—Maximum control factor—Proration. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-034, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
392-140-021	1981-83 Salary-compensation lid compliance—Compliance of insurance benefits. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-021, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-021, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.	392-140-035	1981-83 State categorical special education program—Reporting. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-035, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
392-140-022	1981-83 Salary-compensation lid compliance—No increases constitute compliance. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-022, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-022, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.	392-140-040	1981-83 State categorical residential educational program—Funding. [Statutory Authority: RCW 28A.41.170. 81-20-002 (Order 81-28), § 392-140-040, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
392-140-023	1981-83 Salary-compensation lid compliance—Withholding of basic education allocation. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-023, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-023, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.	392-140-041	1981-83 State categorical residential educational program—Reporting. [Statutory Authority: RCW 28A.41.170. 81-20-002 (Order 81-28), § 392-140-041, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
392-140-025	1981-83 State categorical special education program—Definition—LEAP Document 3. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-025, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.	392-140-042	RAP, grades seven through nine—Applicable provisions. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-042, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-026	1981-83 State categorical special education program—Definition—Certificated derived base salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-026, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.	392-140-043	RAP, grades seven through nine—Definition—Educationally deprived. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-043, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-027	1981-83 State categorical special education program—Definition—Classified average salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-027, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.	392-140-044	RAP, grades seven through nine—Definition—Placement test. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-044, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-028	1981-83 State categorical special education program—Certificated derived base salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-028, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.	392-140-045	1984-85 RAP, grades seven through nine—Applicable provisions. [Statutory Authority: RCW 28A.41.170. 84-20-080 (Order 84-38), § 392-140-045, filed 10/2/84.] Repealed by 86-01-019 (Order 85-14), filed 12/9/85. Statutory Authority: RCW 28A.41.170.
392-140-029	1981-83 State categorical special education program—Classified average salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-029, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.	392-140-046	RAP, grades seven through nine—Definition—Supplemental instructional assistance. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-046, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-046, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-030	1981-83 State categorical special education program—Supplies and material. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-030, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.	392-140-047	RAP, grades seven through nine—Definition—Like services. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-047, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-047, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-031	1981-83 State categorical special education program—Eligible handicapped students. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-031, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.	392-140-048	RAP, grades seven through nine—Definition—Remediation program. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-048, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-048, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
		392-140-049	RAP, grades seven through nine—Definition—Eligible students. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-049, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-049, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
		392-140-050	RAP, grades seven through nine—District application. [Statutory Authority: RCW 28A.41.170. 86-01-019

	(Order 85-14), § 392-140-050, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-050, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.		
392-140-051	RAP, grades seven through nine—Board approval. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-051, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-051, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-063	RAP, grades seven through nine—District allocation. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-063, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-063, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-052	RAP, grades seven through nine—Content of district application. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-052, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-052, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-064	RAP, grades seven through nine—Distribution of state moneys for the state remediation assistance program grades seven through nine. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-064, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-064, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-053	RAP, grades seven through nine—Program requirement—Notification of parents. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-053, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-053, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-065	General provision—Carryover prohibition. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-065, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-054	RAP, grades seven through nine—Program requirement—Allowable expenditures. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-054, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-054, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-066	General provision—Maximum control factor—Proration. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-066, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-055	RAP, grades seven through nine—Program requirement—End of year report. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-055, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-055, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-075	1985-87 School based management pilot projects—Applicable provisions—Authority. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-140-075, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-075, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
392-140-056	RAP, grades seven through nine—Program requirement—Annual program evaluation. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-056, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-056, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-076	1985-87 School based management pilot projects—School based management—Definition. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-076, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
392-140-057	RAP, grades seven through nine—Definition—District 7-9 FTE enrollment. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-057, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-057, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-077	1985-87 School based management pilot projects—School site council—Definition. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-077, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
392-140-058	RAP, grades seven through nine—Definition—District eighth grade RAP percentage. [Statutory Authority: RCW 28A.03.030(3). 87-09-017 (Order 87-1), § 392-140-058, filed 4/6/87. Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-058, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-058, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-078	1985-87 School based management pilot projects—School improvement plan—Definition. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-078, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
392-140-059	RAP, grades seven through nine—Definition—District specific learning disabled enrollment for ages twelve through fourteen. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-059, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-059, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-079	1985-87 School based management pilot projects—District application. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-140-079, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-079, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
392-140-060	1984-85 RAP, grades seven through nine—Definition—Like services factor. [Statutory Authority: RCW 28A.41.170. 84-20-080 (Order 84-38), § 392-140-060, filed 10/2/84.] Repealed by 86-01-019 (Order 85-14), filed 12/9/85. Statutory Authority: RCW 28A.41.170.	392-140-080	1985-87 School based management pilot projects—Project selection criteria and advisory committee. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-080, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
392-140-061	RAP, grades seven through nine—Definition—District grades seven through nine service population. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-061, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-061, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-081	1985-87 School based management pilot projects—Conditions precedent to application by district for pilot project approval. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-081, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
392-140-062	RAP, grades seven through nine—Definition—Grades seven through nine per student support level. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-062, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-062, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-082	1985-87 School based management pilot projects—Grant expenditures and termination. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-082, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
		392-140-083	1985-87 School based management pilot projects—Allocations by superintendent of public instruction.

		[Statutory Authority: RCW 28A.58.082(4), 86-08-075 (Order 86-3), § 392-140-083, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	
392-140-085		1986-87 Certificated staff salary enhancement allocations and salary compliance—Applicable provisions. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-085, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	
392-140-086		1986-87 Certificated staff salary enhancement allocations and salary compliance—Purpose. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-086, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
392-140-087		1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Eligible district and category. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-087, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
392-140-088		1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-088, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
392-140-089		1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-089, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
392-140-090		1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Additional certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-090, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
392-140-091		1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—State-supported programs for purpose of allocations. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-091, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
392-140-092		1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Certificated staff actual full-time equivalent salary. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-092, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
392-140-093		1986-87 Certificated staff salary enhancement allocation and salary compliance—Definition—District certificated derived base salary. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-093, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
392-140-094		1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Prior school year certificated staff adjusted salary. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-094, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
392-140-095		1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Form SS-279. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-095, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	
392-140-096		1986-87 Certificated staff salary enhancement allocations and salary compliance for Category A district—Reporting requirements. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-096,	
	392-140-097	filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
	392-140-098	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category A district—Certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-098, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
	392-140-099	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category A district—Maximum allowed certificated derived base salary. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-099, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	
	392-140-100	1986-87 Certificated staff salary enhancement allocation and salary compliance for Category B district—Reporting requirements. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-100, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
	392-140-101	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category B district—Modification of revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-101, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
	392-140-102	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category B district—Certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-102, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
	392-140-103	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category B district—Maximum allowed certificated derived base salary. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-103, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	
	392-140-104	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Reporting requirements. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-104, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
	392-140-105	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Modification of revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-105, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
	392-140-106	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Certificated salary enhancement allocation by modifying revised LEAP Document 7 to \$16,500. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-106, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	
	392-140-107	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Additional certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-107, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	

392-140-108	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Maximum allowed certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-108, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	392-140-120	1986-87 Alternate measure for classified staff salary compliance—Definition—Change in classified staff composition. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-120, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.
392-140-109	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category D district—Reporting requirements. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-109, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-121	1986-87 Alternate measure for classified staff salary compliance—Definition—New position. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-121, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-110	1986-87 Certificated staff salary enhancement allocation and salary compliance for Category D district—Modification of revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-110, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-122	1986-87 Alternate measure for classified staff salary compliance—Definition—Reclassification. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-122, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-111	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category D district—Additional certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-111, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	392-140-123	1986-87 Alternate measure for classified staff salary compliance—Definition—Employees with additional prior years of experience in other school districts. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-123, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-112	1986-87 Certificated staff salary enhancement allocations and salary compliance for Category D district—Maximum allowed certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-112, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	392-140-124	1986-87 Alternate measure for classified staff salary compliance—Definition—Employees with other additional prior years of experience. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-124, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-113	1986-87 Certificated staff salary enhancement allocations and salary compliance for all eligible districts—Fringe benefit allocation for salary enhancement allocations. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-113, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	392-140-125	1986-87 Alternate measure for classified staff salary compliance—Definition—District obligation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-125, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-114	1986-87 Certificated staff salary enhancement allocations and salary compliance—Other state-supported program allocations. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-114, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-126	1986-87 Alternate measure for classified staff salary compliance—Definition—Form 1049. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-126, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-115	1986-87 Alternate measure for classified staff salary compliance—Applicable provisions. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-115, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-127	1986-87 Alternate measure for classified staff salary compliance—Definition—Revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-127, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.
392-140-116	1986-87 Alternate measure for classified staff salary compliance—Purpose. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-116, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-128	1986-87 Alternate measure for classified staff salary compliance—Definition—Form S-277. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-128, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-117	1986-87 Alternate measure for classified staff salary compliance—Application of these provisions. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-117, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-129	1986-87 Alternate measure for classified staff salary compliance—Definition—Prior school year classified years of experience. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-129, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-118	1986-87 Alternate measure for classified staff salary compliance—Definition—District salary schedule placement. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-118, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.	392-140-130	1986-87 Alternate measure for classified staff salary compliance—Definition—Prior school year classified staff highest hourly rate. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-130, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
392-140-119	1986-87 Alternate measure for classified staff salary compliance—Definition—Salary classification. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-119, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.	392-140-131	1986-87 Alternate measure for classified staff salary compliance—Definition—Classified increment mix factor. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-131, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.
		392-140-132	1986-87 Alternate measure for classified staff salary compliance—Definition—District classified increment mix factor. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-132, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.

- effective 10/7/89. Statutory Authority: RCW 28A.58.-095.
- 392-140-133 1986-87 Alternate measure for classified staff salary compliance—Definition—Current school year district classified derived base salary. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-133, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-134 1986-87 Alternate measure for classified staff salary compliance—Definition—Alternate prior school year district classified increment mix factor. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-134, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-135 1986-87 Alternate measure for classified staff salary compliance—Definition—Prior school year classified highest annual salaries. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-135, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-136 1986-87 Alternate measure for classified staff salary compliance—Definition—Basic education district classified imputed derived base salary. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-136, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-137 1986-87 Alternate measure for classified staff salary compliance—Definition—District classified staff personnel policy. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-137, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-138 1986-87 Alternate measure for classified staff salary compliance—Board resolution with estimate of district obligation. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-138, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.
- 392-140-139 1986-87 Alternate measure for classified staff salary compliance—District request. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-139, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-140 1986-87 Alternate measure for classified staff salary compliance—Calculation for salary compliance. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-140, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-141 1986-87 Alternate measure for classified staff salary compliance—Reporting cycle and process. [Statutory Authority: RCW 28A.58.095, 86-21-093 (Order 86-18), § 392-140-141, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-145 1987-89 minimum salary allocations—Applicable provisions. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-145, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.
- 392-140-146 1987-89 minimum salary allocations—Definition—School year. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-146, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.
- 392-140-147 1987-89 minimum salary allocations—Definition—Current school year. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-147, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-148 1987-89 minimum salary allocations—Definition—Prior school year. [Statutory Authority: RCW 28A.41.-170, 88-03-005 (Order 88-4), § 392-140-148, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-149 1987-89 minimum salary allocations—Definition—Certificated instructional employee. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-149, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-150 1987-89 minimum salary allocations—Definition—Form F-275. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-150, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.
- 392-140-151 Minimum salary allocations—Definition—Certificated instructional employee full-time equivalency (FTE). [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-151, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-152 1987-89 minimum salary allocations—Definition—Minimum required salary. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-152, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-153 1987-89 minimum salary allocations—Definition—Prior school year adjusted salary. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-153, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-154 1987-89 minimum salary allocations—Definition—LEAP Document 1. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-154, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-155 1987-89 minimum salary allocations—Definition—LEAP Document 11. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-155, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-156 1987-89 minimum salary allocations—Definition—District derived base salary for purpose of apportionment. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-156, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.-095.
- 392-140-157 1987-89 minimum salary allocations—Determination of percentage increase in the district derived base salary. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-157, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-158 1987-89 minimum salary allocations—Definition—Eligible employee. [Statutory Authority: RCW 28A.41.-170, 88-03-005 (Order 88-4), § 392-140-158, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-159 1987-89 minimum salary allocations—Determination of minimum salary allocations. [Statutory Authority: RCW 28A.41.170, 88-03-005 (Order 88-4), § 392-140-159, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-160 Local education program enhancement—Applicable provisions. [Statutory Authority: RCW 28A.41.170, 89-17-022 (Order 89-05), § 392-140-160, filed 8/8/89, effective 9/8/89. Statutory Authority: 1987 1st ex.s. c 7 § 506, 88-09-045 (Order 88-12), § 392-140-160, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-161 Local education program enhancement—Definition—Statement of assurances. [Statutory Authority: 1987 1st ex.s. c 7 § 506, 88-09-045 (Order 88-12), § 392-140-161, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).

392-140-162	Local education program enhancement—Definition—Full-time equivalent student. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-162, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).		tory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-175, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-163	Local education program enhancement—Definition—Annual average full-time equivalent students. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-163, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-176	1989-91 Vocational equipment allocation—Definition—Annual average full-time equivalent students. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-176, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-164	Local education program enhancement—Definition—Biennial full-time equivalent students. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-164, filed 4/18/88.] Repealed by 89-17-022 (Order 89-05), filed 8/8/89, effective 9/8/89. Statutory Authority: RCW 28A.41.170.	392-140-177	1989-91 Vocational equipment allocation—Definition—Vocational annual average full-time equivalent students. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-177, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-165	Local education program enhancement—Definition—Support level. [Statutory Authority: RCW 28A.41.170. 89-17-022 (Order 89-05), § 392-140-165, filed 8/8/89, effective 9/8/89. Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-165, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-178	1989-91 Vocational equipment allocation—Definition—School year. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-178, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-166	Local education program enhancement—Definition—End of year report. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-166, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-179	1989-91 Vocational equipment allocation—Definition—Eligible school district. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-179, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-167	Local education program enhancement—Definition—Needs assessment. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-167, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-180	1989-91 Vocational equipment allocation—Definition—Form SPI 1154. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-180, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-168	Local education program enhancement—Definition—Eligible programs. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-168, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-181	1989-91 Vocational equipment allocation—Limitations and conditions. [Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-181, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-181, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-169	Local education program enhancement—Conditions for receiving moneys. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-169, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-182	1989-91 Vocational equipment allocation—Apportionment of moneys. [Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-182, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-182, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-170	Local education program enhancement—Allowable expenditures. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-170, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-183	1989-91 Vocational equipment allocation—Reporting of 1989-90 and 1990-91 vocational annual average full-time equivalent students. [Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-183, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-183, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-171	Local education program enhancement—Payment of local education program enhancement funds. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-171, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-184	1989-91 Vocational equipment allocation—Final allocation. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-184, filed 12/20/89, effective 1/20/90.] Repealed by 90-22-027 (Order 34), filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503.
392-140-172	Local education program enhancement—Proration. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-172, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-185	1989-91 Vocational equipment allocation—Reporting of expenditures by eligible school districts. [Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-185, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-185, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-173	Local education program enhancement—End of year report. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-173, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-186	1989-91 Vocational equipment allocation—Recovery of unspent funds. [Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-186, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-186, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-174	Local education program enhancement—Carryover provision. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-174, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).	392-140-190	1989-91 Local education program enhancement—Applicable provisions. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-190, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
392-140-175	1989-91 Vocational equipment allocation—Applicable provisions. [Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-175, filed 10/31/90, effective 12/1/90. Statu-		

392-140-191	1989-91 Local education program enhancement—Definition—Annual average full-time equivalent students. [Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-191, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.		Statutory Authority: RCW 28A.150.370 and 28A.150.290.
392-140-192	1989-91 Local education program enhancement—Definition—School year. [Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-192, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.	392-140-202	1989-91 Local education program enhancement—Carryover prohibition. [Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-202, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
392-140-193	1989-91 Local education program enhancement—Definition—Following school year. [Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-193, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.	392-140-220	1990-91 Supplies, materials, and equipment allocation—Applicable provisions. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 (Order 40), § 392-140-220, filed 11/15/90, effective 12/16/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-194	1989-91 Local education program enhancement—Definition—Allocation enrollment. [Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-194, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.	392-140-221	1990-91 Supplies, materials, and equipment allocation—Definition—School year. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 (Order 40), § 392-140-221, filed 11/15/90, effective 12/16/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-195	1989-91 Local education program enhancement—Definition—Procedural requirements. [Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-195, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.	392-140-222	1990-91 Supplies, materials, and equipment allocation—Definition—Nonconsumable. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 (Order 40), § 392-140-222, filed 11/15/90, effective 12/16/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-196	1989-91 Local education program enhancement—Definition—Eligible programs. [Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-196, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.	392-140-223	1990-91 Supplies, materials, and equipment allocation—Definition—Annual average full-time equivalent students. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 (Order 40), § 392-140-223, filed 11/15/90, effective 12/16/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-197	1989-91 Local education program enhancement—Definition—SPI Form 1161. [Statutory Authority: RCW 28A.150.290(1), 92-03-023 (Order 92-01), § 392-140-197, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-197, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.	392-140-224	1990-91 Supplies, materials, and equipment allocation—Definition—Specified objects of expenditure. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 503(2), 91-12-021 (Order 91-08), § 392-140-224, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 and 90-23-100 (Orders 40 and 46), § 392-140-224, filed 11/15/90 and 11/21/90, effective 12/16/90 and 12/22/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-198	1989-91 Local education program enhancement—School district application and application deadline. [Statutory Authority: RCW 28A.150.290(1), 92-03-023 (Order 92-01), § 392-140-198, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-198, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.	392-140-225	1990-91 Supplies, materials, and equipment allocation—Definition—Extenuating circumstance. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 and 90-23-100 (Orders 40 and 46), § 392-140-225, filed 11/15/90 and 11/21/90, effective 12/16/90 and 12/22/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-199	1989-91 Local education program enhancement—Calculation of school year allocation. [Statutory Authority: RCW 28A.150.290(1), 92-03-023 (Order 92-01), § 392-140-199, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-199, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.	392-140-226	1990-91 Supplies, materials, and equipment allocation—Definition—Supplanting. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 and 90-23-100 (Orders 40 and 46), § 392-140-226, filed 11/15/90 and 11/21/90, effective 12/16/90 and 12/22/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-200	1989-91 Local education program enhancement—Apportionment of the annual allocation. [Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-200, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.	392-140-230	1990-91 Supplies, materials, and equipment allocation—Allocations to school districts. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 (Order 40), § 392-140-230, filed 11/15/90, effective 12/16/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-201	1989-91 Local education program enhancement—End of year report. [Statutory Authority: RCW 28A.150.290(1), 92-03-023 (Order 92-01), § 392-140-201, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170(1), 90-06-007 (Order 90-03), § 392-140-201, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94.	392-140-231	1990-91 Supplies, materials, and equipment allocation—Allowed and unallowed expenditures. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 (Order 40), § 392-140-231, filed 11/15/90, effective 12/16/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-140-232	1990-91 Supplies, materials, and equipment allocation—Reporting of extenuating circumstances. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 (Order 40), § 392-140-232, filed 11/15/90, effective 12/16/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-140-233	1990-91 Supplies, materials, and equipment allocation—Recovery of moneys due to supplanting. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 (Order 40), § 392-140-233, filed 11/15/90, effective 12/16/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-140-234	1990-91 Supplies, materials, and equipment allocation—Determination of recovery amount. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 §

	502(2), 90-23-044 and 90-23-100 (Orders 40 and 46), § 392-140-234, filed 11/15/90 and 11/21/90, effective 12/16/90 and 12/22/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-140-250	Early intervention services allocation—Applicable provisions. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-250, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-250, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.	392-140-259	Early intervention services allocation—Definition—Eligible enrollment served by the educational service district. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-259, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-259, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
392-140-251	1990-91 Early intervention services allocation—Definition—School year. [Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-251, filed 11/15/90, effective 12/16/90.] Repealed by 92-02-026 (Order 91-27), filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.300.040 and 28A.150.-290.	392-140-265	Early intervention services allocation—Apportionment of moneys to school districts and educational service districts. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-265, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-265, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
392-140-252	Early intervention services allocation—Definition—Annual average full-time equivalent students. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-252, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.-030(3). 90-23-043 (Order 36), § 392-140-252, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.	392-140-266	Early intervention services allocation—Reporting requirements. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-266, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-266, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
392-140-253	Early intervention services allocation—Definition—Kindergarten through sixth grade annual average full-time equivalent students. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-253, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-253, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.	392-140-267	Early intervention services allocation—Recovery of moneys. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-267, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-267, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
392-140-254	Early intervention services allocation—Definition—Form SPI 1195. [Statutory Authority: RCW 28A.300.-040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-254, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-254, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.	392-140-300	1989-91 Certificated instructional staff enhancement moneys—Applicable provisions. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-140-300, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-300, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-255	Early intervention services allocation—Definition—Form SPI 1102E. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-255, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-255, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.	392-140-301	1989-91 Certificated instructional staff enhancement moneys—Authority. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-140-301, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.-170(1). 90-01-142 (Order 25), § 392-140-301, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-256	Early intervention services allocation—Definition—Form SPI 1100E. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-256, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-256, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.	392-140-302	1989-91 Certificated instructional staff enhancement moneys—Purpose. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-140-302, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-302, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-257	Early intervention services allocation—Definition—Allowable expenditures for early intervention and prevention services. [Statutory Authority: RCW 28A.300.-040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-257, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.150.290. 91-08-039 (Order 91-06), § 392-140-257, filed 3/29/91, effective 4/29/91. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-257, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.	392-140-303	1989-91 Certificated instructional staff enhancement moneys—Definition—School district. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-303, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-258	Early intervention services allocation—Definition—Eligible school district. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-258, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043	392-140-304	1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form E-672. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-304, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW

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392-140-325	1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1159. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-325, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.		
392-140-326	1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1160. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-326, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-336	1989-90 through 1993-94 School year enrollment of returning high school students—Applicable provisions and authority. [Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-140-336, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.120.800, 28A.120.092 and 1989 c 233, 90-12-081 (Order 13), § 392-140-336, filed 6/1/90, effective 7/2/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-327	1989-91 Certificated instructional staff enhancement moneys—General provisions. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-327, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-337	1989-90 through 1993-94 School year enrollment of returning high school students—Authority to report for apportionment purposes. [Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-140-337, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.120.800, 28A.120.092 and 1989 c 233, 90-12-081 (Order 13), § 392-140-337, filed 6/1/90, effective 7/2/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-328	1989-91 Certificated instructional staff enhancement moneys—School district reporting—Required reports. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-328, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-338	1989-90 through 1993-94 School year enrollment of returning high school students—Special enrollment reporting by school districts. [Statutory Authority: RCW 28A.120.800, 28A.120.092 and 1989 c 233, 90-12-081 (Order 13), § 392-140-338, filed 6/1/90, effective 7/2/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-329	1989-91 Certificated instructional staff enhancement moneys—School district reporting—Optional report—Staff changes. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-329, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-340	1990-91 additional 1.3 staff units—Applicable provisions. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-340, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-330	1989-91 Certificated instructional staff enhancement moneys—School district reporting—Optional report—Enrollment changes. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-330, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-341	1990-91 additional 1.3 staff units—Authority. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-341, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-331	1989-91 Certificated instructional staff enhancement moneys—Initial report by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-331, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-342	1990-91 additional 1.3 staff units—Purpose. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-342, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-332	1989-91 Certificated instructional staff enhancement moneys—Interim report by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-332, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-343	1990-91 additional 1.3 staff units—General provisions. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-343, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-333	1989-91 Certificated instructional staff enhancement moneys—Final report by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-333, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-345	1990-91 additional 1.3 staff units—Definition—School year. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-345, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-334	1989-91 Certificated instructional staff enhancement moneys—Kindergarten through third grade apportionment ratios a school district with a 1988-89 kindergarten through third grade staffing ratio less than fifty-one per thousand. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-334, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-346	1990-91 additional 1.3 staff units—Definition—Academic year. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-346, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-335	1989-91 Certificated instructional staff enhancement moneys—Kindergarten through third grade apportionment ratios for a school district with a 1988-89 kindergarten through third grade staffing ratio equal to or greater than fifty-one per thousand. [Statutory Authority: RCW 28A.41.170(1), 90-01-142 (Order 25), § 392-140-335, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-347	1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education enrollment. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-347, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.

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392-140-431	1991-93 Vocational equipment allocation—Applicable provisions. [Statutory Authority: RCW 28A.150.-290(1). 92-03-023 (Order 92-01), § 392-140-431, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-140-432	1991-93 Vocational equipment allocation—Definition—Vocational annual average full-time equivalent (FTE) students. [Statutory Authority: RCW 28A.150.-290(1). 92-03-023 (Order 92-01), § 392-140-432, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-451	K-3 Staff enhancement—Authority. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-451, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-450, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-433	1991-93 Vocational equipment allocation—Definition—Eligible school district. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-433, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-452	K-3 Staff enhancement—Purpose. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-452, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-452, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-434	1991-93 Vocational equipment allocation—Definition—Form SPI 1154. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-434, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-460	K-3 Staff enhancement—Definition—Academic year. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-460, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-460, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-435	1991-93 Vocational equipment allocation—Limitations and conditions. [Statutory Authority: RCW 28A.150.-290(1). 92-03-023 (Order 92-01), § 392-140-435, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-461	K-3 Staff enhancement—Definition—S-275. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-461, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-461, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-461, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-436	1991-93 Vocational equipment allocation—School district reporting. [Statutory Authority: RCW 28A.150.-290(1). 92-03-023 (Order 92-01), § 392-140-436, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-462	K-3 Staff enhancement—Definition—SPI Form S-277. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-462, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-462, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-462, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-437	1991-93 Vocational equipment allocation—Apportionment of moneys. [Statutory Authority: RCW 28A.150.-290(1). 92-03-023 (Order 92-01), § 392-140-437, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-463	K-3 Staff enhancement—Definition—SPI Form 1158. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-463, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-463, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-438	1991-93 Vocational equipment allocation—Reporting by the superintendent of public instruction. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-438, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-464	K-3 Staff enhancement—Definition—SPI Report 1159. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-464, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-464, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-439	1991-93 Vocational equipment allocation—Recovery of moneys. [Statutory Authority: RCW 28A.150.-290(1). 92-03-023 (Order 92-01), § 392-140-439, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-465	K-3 Staff enhancement—Definition—SPI Form 1160. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-465, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-465, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-441	1991-93 Local education program enhancement—Applicable provisions. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-441, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-466	K-3 Staff enhancement—Definition—SPI Form 1230. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-466, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-466, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-442	1991-93 Local education program enhancement—Definition—Allocation enrollment. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-442, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-470	K-3 Staff enhancement—Definition—FTE K-3 basic education enrollment. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-470, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-470, filed 10/20/93, effective 11/20/93. Statutory
392-140-443	1991-93 Local education program enhancement—Definition—Form SPI 1129. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-443, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-140-444	1991-93 Local education program enhancement—Conditions and limitations. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-444, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-140-445	1991-93 Local education program enhancement—School district reporting. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-445, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-140-446	1991-93 Local education program enhancement—Apportionment of moneys. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-446, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-140-447	1991-93 Local education program enhancement—Recovery of moneys. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-447, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-140-450	K-3 Staff enhancement—Applicable provisions. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), §		

392-140-471	Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-470, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-481	K-3 Staff enhancement—Definition—K-3 reduction FTE. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-481, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-481, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-472	K-3 Staff enhancement—Definition—FTE K-3 basic education certificated instructional employee. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-471, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-471, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-482	K-3 Staff enhancement—Definition—K-3 reassignment FTE. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-482, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-482, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-473	K-3 Staff enhancement—Definition—FTE K-3 basic education certificated instructional staff. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-473, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-473, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-483	K-3 Staff enhancement—Calculation of addition, reduction, and reassignment FTE. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-483, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-483, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-483, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-474	K-3 Staff enhancement—Definition—Average basic education certificated instructional staff salary for the purpose of apportionment. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-474, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-474, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-485	K-3 Staff enhancement—Definition—Supplemental FTE K-3 basic education certificated instructional staff. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-485, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-485, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-475	K-3 Staff enhancement—Definition—Basic education classified instructional assistant. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-475, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-475, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-486	K-3 Staff enhancement—Definition—Supplemental FTE K-3 basic education classified instructional assistants. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-486, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-486, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-476	K-3 Staff enhancement—Definition—Basic education classified instructional assistant FTE. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-476, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-476, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-476, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-490	K-3 Staff enhancement—Definition—K-3 certificated instructional staffing ratio. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-490, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-490, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-490, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-477	K-3 Staff enhancement—Definition—FTE K-3 basic education classified instructional assistants. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-477, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-477, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-491	K-3 Staff enhancement—Definition—Actual average salary for basic education classified instructional assistants. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-491, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-491, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-491, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-478	K-3 Staff enhancement—Definition—Instructional FTE. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-478, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-478, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-492	K-3 Staff enhancement—Definition—Increase in K-3 basic education classified instructional assistants from 1989-90. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-492, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-492, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-492, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-480	K-3 Staff enhancement—Definition—K-3 addition FTE. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-480, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-480, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-480, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-493	K-3 Staff enhancement—Definition—Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-493, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-493, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-140-494	K-3 Staff enhancement—School district reporting—Required reports. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-494, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-494, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-494, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-509, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-495	K-3 Staff enhancement—School district reporting—Optional reports. [Statutory Authority: RCW 28A.150.-290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-495, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-495, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-510 1994-95 Student learning improvement grants—Definition—Form S-275. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-510, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-496	K-3 Staff enhancement—Calculation of K-3 apportionment ratios. [Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-496, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-496, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-511 1994-95 Student learning improvement grants—Definition—FTE certificated staff employed in a school. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-511, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-497	K-3 Staff enhancement—Reporting by the superintendent of public instruction. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.-290. 96-05-021 (Order 96-04), § 392-140-497, filed 2/13/96, effective 3/15/96; 93-21-091 (Order 93-21), § 392-140-497, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-497, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-512 1994-95 Student learning improvement grants—Definition—Allocation rate. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-512, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-500	1994-95 Student learning improvement grants—Applicable provisions—Statutory authority. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-500, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-516 1994-95 Student learning improvement grants—Allocation of moneys. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-516, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-501	1994-95 Student learning improvement grants—Purpose of student learning improvement grant. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-501, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-517 1994-95 Student learning improvement grants—Conditions and limitations on expenditures. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-517, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-503	1994-95 Student learning improvement grants—Definition—School district. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-503, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-518 1994-95 Student learning improvement grants—School district reporting. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-518, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-504	1994-95 Student learning improvement grants—Definition—Eligible school district. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-504, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-519 1994-95 Student learning improvement grants—Recovery of unexpended grants. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-519, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-505	1994-95 Student learning improvement grants—Definition—School. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-505, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-525 1993-95 Local enhancement funding—Applicable provisions. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-525, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-506	1994-95 Student learning improvement grants—Definition—Eligible school-based application. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-506, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-527 1993-95 Local enhancement funding—Definition—Allocation enrollment. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-527, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-507	1994-95 Student learning improvement grants—Definition—Approved application. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-507, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-529 1993-95 Local enhancement funding—Definition—Form SPI 1129. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-529, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-508	1994-95 Student learning improvement grants—Definition—Certificated employee. [Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-508, filed 5/19/94, effective 6/19/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-530 1993-95 Local enhancement funding—Definition—Enrolled as a Medicaid service provider. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-530, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-509	1994-95 Student learning improvement grants—Definition—Full-time equivalent (FTE) certificated staff.	392-140-531 1993-95 Local enhancement funding—Actively pursuing federal matching funds for medical services provided through special education programs. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-531, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-140-533 1993-95 Local enhancement funding—Condition of receipt of moneys. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-533, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-140-535 1993-95 Local enhancement funding—Conditions and limitations on expenditures. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-535, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

392-140-536	1993-95 Local enhancement funding—Apportionment of moneys. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-536, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	
392-140-537	1993-95 Local enhancement funding—School district reporting. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-537, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	
392-140-538	1993-95 Local enhancement funding—Recovery of moneys. [Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-538, filed 6/30/94, effective 7/31/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	
392-140-540	1994-95 Allocation for instructional materials and technology related investments—Applicable provisions—Statutory authority. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-540, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-559 1994-95 Allocation for instructional materials and technology related investments—Recovery of unexpected grants. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-559, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-140-542	1994-95 Allocation for instructional materials and technology related investments—Definition—School district. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-542, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-570 1995-97 Local enhancement funding—Applicable provisions. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-570, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-543	1994-95 Allocation for instructional materials and technology related investments—Definition—School year. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-543, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-571 1995-97 Local enhancement funding—Definition—Student learning improvement block grants. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-571, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-544	1994-95 Allocation for instructional materials and technology related investments—Definition—Instructional materials. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-544, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-572 1995-97 Local enhancement funding—Definition—Other activities to improve student learning. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-572, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-545	1994-95 Allocation for instructional materials and technology related investments—Definition—Technology related investments. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-545, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-573 1995-97 Local enhancement funding—Definition—Local program enhancement block grants. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-573, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-548	1994-95 Allocation for instructional materials and technology related investments—Definition—School district application. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-548, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-574 1995-97 Local enhancement funding—Definition—Essential academic learning requirements. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-574, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-549	1994-95 Allocation for instructional materials and technology related investments—Definition—Approved application. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-549, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-575 1995-97 Local enhancement funding—Definition—Assessment system. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-575, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-551	1994-95 Allocation for instructional materials and technology related investments—Definition—Allocation enrollment. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-551, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-576 1995-97 Local enhancement funding—Definition—Fiscal year. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-576, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-552	1994-95 Allocation for instructional materials and technology related investments—Definition—Allocation rate. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-552, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-577 1995-97 Local enhancement funding—Definition—School year. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-577, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-553	1994-95 Allocation for instructional materials and technology related investments—Allocation of moneys. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-553, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-578 1995-97 Local enhancement funding—Definition—School district. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-578, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-555	1994-95 Allocation for instructional materials and technology related investments—Conditions and limitations on expenditures. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-555, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-140-580 1995-97 Local enhancement funding—Definition—Building plan. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-580, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-557	1994-95 Allocation for instructional materials and technology related investments—School district reporting. [Statutory Authority: RCW 28A.150.290. 94-17-131	392-140-581 1995-97 Local enhancement funding—Definition—Annual performance report. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-581, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
		392-140-582 1995-97 Local enhancement funding—Definition—Allocation enrollment. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-582, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
		392-140-583 1995-97 Local enhancement funding—Definition—Form SPI 1129. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-583, filed

	8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).		
392-140-584	1995-97 Local enhancement funding—Definition—Enrolled as a Medicaid service provider. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-584, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-665	Special education safety net—Approved application—Initial federal special education safety net allocation. [Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-665, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-665, filed 9/18/96, effective 10/19/96.] Repealed by 00-03-015, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7).
392-140-585	1995-97 Local enhancement funding—Actively pursuing federal matching funds for medical services provided through special education programs. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-585, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-670	Special education safety net—Distribution of state moneys. [Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-670, filed 9/18/96, effective 10/19/96.] Repealed by 03-02-053, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7).
392-140-586	1995-97 Local enhancement funding—Conditions of receipt of moneys. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-586, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-680	Special education safety net—Recovery of state allocations to school districts. [Statutory Authority: RCW 28A.150.290. 02-05-036, § 392-140-680, filed 2/12/02, effective 2/13/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7). 00-03-015, § 392-140-680, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-680, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-680, filed 9/18/96, effective 10/19/96.] Repealed by 03-02-053, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7).
392-140-588	1995-97 Local enhancement funding—Allocation of moneys. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-588, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-700	K-3 Staff enhancement—Applicable provisions. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-700, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-590	1995-97 Local enhancement funding—Conditions and limitations on expenditures. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-590, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-701	K-3 Staff enhancement—Authority. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-701, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-592	1995-97 Local enhancement funding—School district reporting. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-592, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-702	K-3 Staff enhancement—Purpose. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-702, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-594	1995-97 Local enhancement funding—Recovery of moneys. [Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-594, filed 8/30/95, effective 9/30/95.] Repealed by 01-22-032, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-710	K-3 Staff enhancement—Definition—Academic year. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-710, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-610	Special education safety net—Standards—MOESR applications. [Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-610, filed 9/18/96, effective 10/19/96.] Repealed by 03-02-053, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7).	392-140-711	K-3 Staff enhancement—Definition—S-275. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-711, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-613	Special education safety net—Standards and criteria—Percentage and other factors applications. [Statutory Authority: RCW 28A.150.290. 02-05-036, § 392-140-613, filed 2/12/02, effective 2/13/02; 01-04-023, § 392-140-613, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7). 00-03-015, § 392-140-613, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-613, filed 9/18/96, effective 10/19/96.] Repealed by 03-02-053, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7).	392-140-712	K-3 Staff enhancement—Definition—SPI Form S-277. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-712, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-620	Special education safety net—Calculation of MOESR. [Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-620, filed 9/18/96, effective 10/19/96.] Repealed by 03-02-053, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7).	392-140-713	K-3 Staff enhancement—Definition—SPI Form 1158. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-713, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-625	Special education safety net—Demonstration of percentage and other factors. [Statutory Authority: RCW 28A.150.290. 02-05-036, § 392-140-625, filed 2/12/02, effective 2/13/02; 01-04-023, § 392-140-625, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7). 00-03-015, § 392-140-625, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-625, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by	392-140-714	K-3 Staff enhancement—Definition—SPI Report 1159. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-714, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).

392-140-715	K-3 Staff enhancement—Definition—SPI Form 1160. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-715, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).		effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-716	K-3 Staff enhancement—Definition—SPI Form 1230. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-716, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-732	K-3 Staff enhancement—Definition—K-3 reassignment FTE. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-732, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-720	K-3 Staff enhancement—Definition—FTE K-3 basic education enrollment. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-720, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-733	K-3 Staff enhancement—Calculation of addition, reduction, and reassignment FTE. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-733, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-721	K-3 Staff enhancement—Definition—FTE basic education certificated instructional employee. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-721, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-735	K-3 Staff enhancement—Definition—Supplemental FTE K-3 basic education certificated instructional staff. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-735, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-722	K-3 Staff enhancement—Definition—FTE K-3 basic education certificated instructional employee. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-722, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-736	K-3 Staff enhancement—Definition—Supplemental FTE K-3 basic education classified instructional assistants. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-736, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-723	K-3 Staff enhancement—Definition—FTE K-3 basic education certificated instructional staff. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-723, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-740	K-3 Staff enhancement—Definition—K-3 certificated instructional staffing ratio. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-740, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-724	K-3 Staff enhancement—Definition—Average basic education certificated instructional staff salary for the purpose of apportionment. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-724, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-741	K-3 Staff enhancement—Definition—Actual average salary for basic education classified instructional assistants. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-741, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-725	K-3 Staff enhancement—Definition—Basic education classified instructional assistant. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-725, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-742	K-3 Staff enhancement—Definition—Increase in K-3 basic education classified instructional assistants from 1989-90. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-742, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-726	K-3 Staff enhancement—Definition—Basic education classified instructional assistant FTE. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-726, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-743	K-3 Staff enhancement—Definition—Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-743, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-727	K-3 Staff enhancement—Definition—FTE K-3 basic education classified instructional assistants. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-727, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-744	K-3 Staff enhancement—School district reporting—Required reports. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-744, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-728	K-3 Staff enhancement—Definition—Instructional FTE. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-728, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-745	K-3 Staff enhancement—School district reporting—Optional reports. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-745, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-730	K-3 Staff enhancement—Definition—K-3 addition FTE. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-730, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).	392-140-746	K-3 Staff enhancement—Calculation of K-3 apportionment ratios. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-746, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
392-140-731	K-3 Staff enhancement—Definition—K-3 reduction FTE. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-731, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00,	392-140-747	K-3 Staff enhancement—Reporting by the superintendent of public instruction. [Statutory Authority: RCW 28A.150.290. 98-07-061 (Order 98-04), § 392-140-747, filed 3/17/98, effective 4/17/98.] Repealed by 00-02-063, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii).
		392-140-800	1997-99 Local enhancement funds—Applicable provisions. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-800, filed 2/4/98, effective 3/7/98.] Repealed by 01-

	22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-826	1997-99 Local enhancement funds—Definition—Allocation enrollment. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-826, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-802	1997-99 Local enhancement funds—Definition—Learning improvement allocations. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-802, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-828	1997-99 Local enhancement funds—Allocation of moneys. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-828, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-804	1997-99 Local enhancement funds—Definition—Local education program enhancement. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-804, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-830	1997-99 Local enhancement funds—Allocations of moneys for remote and necessary schools and school districts enrolling fewer than one-hundred annual average full-time equivalent students. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-830, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-806	1997-99 Local enhancement funds—Definition—Essential academic learning requirements. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-806, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-832	1997-99 Local enhancement funds—Allocation of moneys—A distribution formula to districts. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-832, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-808	1997-99 Local enhancement funds—Definition—Assessment system. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-808, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-834	1997-99 Local enhancement funds—Conditions and limitations on expenditures. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-834, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-810	1997-99 Local enhancement funds—Definition—School year. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-810, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-836	1997-99 Local enhancement funds—School district reporting. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-836, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).
392-140-812	1997-99 Local enhancement funds—Definition—School district. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-812, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-905	K-4 Staff enhancement—Determination of the K-4 staff ratio equivalent of K-6 basic education supplemental contracts for extended learning opportunities. [Statutory Authority: RCW 28A.150.290(2) and 2001 2nd sp.s. c 7 § 502 (2)(a)(v). 02-09-024, § 392-140-905, filed 4/8/02, effective 5/9/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-905, filed 1/3/00, effective 2/3/00.] Repealed by 05-17-179, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.150.290(1) and 2004 c 276 § 502 (2)(a).
392-140-814	1997-99 Local enhancement funds—Definition—Student learning improvement plan. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-814, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-911	K-4 Staff enhancement—School district reporting—Optional reports. [Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-911, filed 1/3/00, effective 2/3/00.] Repealed by 02-09-024, filed 4/8/02, effective 5/9/02. Statutory Authority: RCW 28A.150.290(2) and 2001 2nd sp.s. c 7 § 502 (2)(a)(v).
392-140-816	1997-99 Local enhancement funds—Definition—Annual performance report. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-816, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-920	Better schools—Staff—Applicable provisions—Authority—Purpose. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-920, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
392-140-818	1997-99 Local enhancement funds—Definition—Enrolled as a Medicaid service provider. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-818, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-922	Better schools—Staff—Definitions. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-922, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
392-140-820	1997-99 Local enhancement funds—Actively pursuing federal matching funds for medical services provided through special education programs. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-820, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-924	Better schools—Staff—School district reporting. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-924, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
392-140-822	1997-99 Local enhancement funds—Filing truancy petitions as required under RCW 28A.225.030. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-822, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-925	Better schools—Staff—Calculation of district K-4 better schools staff ratio. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-925, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
392-140-824	1997-99 Local enhancement funds—Conditions on receipt of moneys. [Statutory Authority: 1997-1999 State Operating Appropriation Act. 98-04-080 (Order 98-01), § 392-140-824, filed 2/4/98, effective 3/7/98.] Repealed by 01-22-033, filed 10/30/01, effective 11/30/01. Statutory Authority: RCW 28A.150.290(1).	392-140-926	Better schools—Staff—Calculation of district combined K-4 staff ratio. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-926, filed

- 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-140-927 Better schools—Staff—Calculation of district state-funded better schools staff ratio. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-927, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-140-928 Better schools—Staff—Request for adjustment of the district state-funded better schools staff ratio. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-928, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-140-929 Better schools—Staff—Calculation of the better schools staff allocation. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-929, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-140-930 Better schools—Staff—Reporting by the superintendent of public instruction. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-930, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-140-935 Better schools—Professional development—Applicable provisions—Authority—Purpose. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-935, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-140-937 Better schools—Professional development—Better schools professional development allocations. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-937, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-140-938 Better schools—Professional development—School district certification. [Statutory Authority: RCW 28A.150.290. 00-22-009, § 392-140-938, filed 10/20/00, effective 10/20/00.] Repealed by 01-22-030, filed 10/30/01, effective 2/1/02. Statutory Authority: RCW 28A.150.290(1).
- 392-140-960 Learning improvement days—Determination of the number of days in the base contract in the 1998-99 school year. [Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-960, filed 9/28/99, effective 9/29/99.] Repealed by 02-20-063, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 28A.150.290(1) and section 503(7) of the 2001-03 state budget and 2002 supplemental budget.

WAC 392-140-001 Purpose. Provisions of this chapter serve to implement and govern the finance-related administration of laws of limited duration, laws with phase-in/phase-out procedures, and/or laws requiring special one-time processes or procedures for which the superintendent of public instruction has broad rule-making authority pursuant to RCW 28A.300.040(3), as now or hereafter amended, or specific rule-making authority authorized by the legislature, as the case may be.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-140-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.03.030(3). 80-05-038 (Order 80-9), § 392-140-001, filed 4/15/80; Order 7-75, § 392-140-001, filed 12/22/75.]

GENERAL PROVISIONS AND DEFINITIONS

WAC 392-140-067 General provisions. The following general provisions apply to this chapter:

(1) All calculations made by the superintendent of public instruction shall use the most current school district informa-

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tion for the school year on file with the superintendent of public instruction at the time of the calculation.

(2) Full-time equivalent (FTE) staff shall be rounded to the nearest three decimal places.

(3) FTE enrollment shall be rounded to the nearest two decimal places.

(4) Ratios of FTE staff to students shall be expressed as a ratio of staff to one thousand students and shall be rounded to the nearest two decimal places (e.g., 51.21/1000).

(5) Unless otherwise stated, report forms, staff, salary, and enrollment data referenced in these rules are school district report forms, staff, salary, or enrollment data for the school year for which calculations pursuant to this chapter are being made.

(6) Employee assignments and account codes for program, duty, and activity shall mean the same as defined in the accounting manual for public school districts in the state of Washington and in instructions for personnel reporting provided by the superintendent of public instruction.

(7) School districts shall have available upon request by the superintendent of public instruction and for audit purposes, such documentation as necessary to support all data reported to the superintendent of public instruction pursuant to this chapter.

(8) Full-time equivalent is abbreviated as FTE.

(9) Kindergarten through third grade is abbreviated as K-3.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-067, filed 1/7/92, effective 2/7/92.]

WAC 392-140-068 Timely reporting. Provisions of chapter 392-117 WAC, Timely reporting, apply to allocations made pursuant to this chapter. Failure of a school district to report as required may reduce or delay state apportionment payments.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-068, filed 1/7/92, effective 2/7/92.]

WAC 392-140-069 Definition—School district. As used in this chapter, "school district" means a Washington state public school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-069, filed 1/7/92, effective 2/7/92.]

WAC 392-140-070 Definition—School year. As used in this chapter, "school year" means the same as defined in WAC 392-121-031. Unless otherwise stated "school year" refers to the school year for which calculations are being made pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-070, filed 1/7/92, effective 2/7/92.]

WAC 392-140-071 Definition—Following school year. As used in this chapter, "following school year" means the school year immediately after the school year for which calculations are being made pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-071, filed 1/7/92, effective 2/7/92.]

WAC 392-140-072 Definition—Annual average full-time equivalent (FTE) students. As used in this chapter, "annual average full-time equivalent (FTE) students" means the same as that defined in WAC 392-121-133.

[Statutory Authority: RCW 28A.150.290(1), 92-03-023 (Order 92-01), § 392-140-072, filed 1/7/92, effective 2/7/92.]

WAC 392-140-073 Prior school year. As used in this chapter, "prior school year" means the school year immediately preceding the school year for which calculations are being made pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283, 96-19-095 (Order 96-15), § 392-140-073, filed 9/18/96, effective 10/19/96.]

1995-97 LOCAL ENHANCEMENT FUNDING INCLUDING THE STUDENT LEARNING IMPROVEMENT BLOCK GRANT

WAC 392-140-600 Special education safety net—Applicable provisions. The provisions of WAC 392-140-600 through 392-140-685 apply to the determination of safety net allocations of Individuals with Disabilities Education Act (IDEA) federal funds for the 2005-06 school year and thereafter.

[Statutory Authority: RCW 28A.150.290, 06-01-017, § 392-140-600, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7), 04-08-118, § 392-140-600, filed 4/6/04, effective 5/7/04; 03-02-053, § 392-140-600, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290, 01-04-023, § 392-140-600, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7), 00-03-015, § 392-140-600, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283, 96-19-095 (Order 96-15), § 392-140-600, filed 9/18/96, effective 10/19/96.]

WAC 392-140-601 Special education safety net—Authority. The authority for WAC 392-140-600 through 392-140-685 is:

(1) The appropriation language for special education programs in the Washington state Biennial Operating Appropriations Act; and

(2) RCW 28A.150.290(1).

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7), 00-03-015, § 392-140-601, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8), 98-08-013 (Order 98-05), § 392-140-601, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283, 96-19-095 (Order 96-15), § 392-140-601, filed 9/18/96, effective 10/19/96.]

WAC 392-140-60105 Definition—High need student. A student with a disability whose program cost is greater than three times the statewide average per pupil expenditures as defined in section 9101 of the Elementary and Secondary Education Act of 1965 or a multiple of the statewide average per pupil expenditures as established by the superintendent of public instruction and published in the *Safety Net Bulletin* shall be considered a high need student for purposes of this chapter.

[Statutory Authority: RCW 28A.150.290, 06-01-017, § 392-140-60105, filed 12/9/05, effective 1/9/06.]

[Title 392 WAC—p. 172]

WAC 392-140-602 Special education safety net—Eligible applicants. (1) An individual school district of the state of Washington is eligible to apply for special education safety net moneys on behalf of its resident students. Resident students include those defined as resident pursuant to WAC 392-137-115, those enrolled through choice (RCW 28A.225.225) and those from nonhigh districts (RCW 28A.225.210). Resident students exclude those residing in another district and enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(2) An interdistrict cooperative of at least fifteen districts in which all excess cost services for special education students of the districts are provided by the cooperative is eligible to apply for special education safety net moneys. The cooperative and the participating school districts shall be treated as a single school district for the purposes of this chapter. Participating school districts are not eligible to apply for safety net moneys individually.

(3) The Washington school for the deaf and the Washington state school for the blind are eligible to apply for high need students under WAC 392-140-616.

[Statutory Authority: RCW 28A.150.290, 06-01-017, § 392-140-602, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8), 98-08-013 (Order 98-05), § 392-140-602, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283, 96-19-095 (Order 96-15), § 392-140-602, filed 9/18/96, effective 10/19/96.]

WAC 392-140-605 Special education safety net—Application type, certification, worksheets. Application for safety net funding shall be made on Form SPI 1381 - Certification published by the superintendent of public instruction as follows:

(1) School districts may make application for safety net funding for high need student(s). The school district making application for safety net funding shall certify that:

(a) The district recognizes that differences in costs attributable to district philosophy, service delivery choice, or accounting practice are not a legitimate basis for safety net awards.

(b) The application complies with the respective safety net application standards of WAC 392-140-616;

(c) The application provides true and complete information to the best of the school district's knowledge;

(d) The district understands that safety net funding is not an entitlement, is subject to adjustment and recovery, may not be available in future years, must be expended in program 21 or program 24 as specified in the award letter, and certifies that federal Medicaid has been billed for all services to eligible students;

(e) The district is making reasonable effort to provide appropriate services for students in need of special education using state funding generated by the basic education apportionment and special education funding formulas and federal funding;

(f) The district's special education services are operated in a reasonably efficient manner;

(g) Indirect costs included for purposes of determining safety net allocations do not exceed the allowable percent for federal special education program plus one percent;

(h) Any available state and federal funding is insufficient to address the additional needs;

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(i) The costs of any supplemental contracts are not included for purposes of determining safety net awards. Supplemental contracts are those contracts made pursuant to RCW 28A.400.200(4) excluding extended school year contracts (ESY) required by an IEP; and

(j) The costs of any summer school instruction are not included for purposes of making safety net determinations excluding extended school year contracts (ESY) required by an IEP.

(2) Worksheet A shall be included with the application and must demonstrate the need for safety net funding. Worksheet A is used to determine a maximum amount of eligibility for a school district. Award amounts may be less than the maximum amount of eligibility determined on Worksheet A. School districts are encouraged and may be required to submit additional information designed to assist the state oversight committee in analyzing the application.

(3) All high need student applications shall include worksheets "A" and "C" and summary published in the safety net application, and certification of standards and criteria pursuant to WAC 392-140-616.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-605, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 04-08-118, § 392-140-605, filed 4/6/04, effective 5/7/04; 03-02-053, § 392-140-605, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290. 02-05-036, § 392-140-605, filed 2/12/02, effective 2/13/02; 01-04-023, § 392-140-605, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7). 00-03-015, § 392-140-605, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-605, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-605, filed 9/18/96, effective 10/19/96.]

WAC 392-140-608 Special education safety net—Safety net application—Timing. Safety net applications shall be submitted and reviewed pursuant to the dates published by the superintendent of public instruction. Late applications will not be accepted and no applications for the school year will be accepted after the final application due date.

[Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 04-08-118, § 392-140-608, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-608, filed 9/18/96, effective 10/19/96.]

WAC 392-140-609 Special education safety net—Standards and criteria—Appropriate and properly and efficiently prepared and formulated IEPs. Individualized education programs (IEPs) which are appropriate, properly and efficiently prepared and formulated are those IEPs that meet all of the following criteria:

(1) The IEPs comply with federal and state procedural requirements.

(2) The delivery of specially designed instruction identified on the IEP complies with state and federal requirements (regularly scheduled teaching or training activities provided or designed by special education qualified staff).

(3) The provision of special education services conforms with areas of need identified in the student's evaluation and/or reevaluation made pursuant to chapter 392-172 WAC.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-609, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999

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c 309 § 507(7). 04-08-118, § 392-140-609, filed 4/6/04, effective 5/7/04; 03-02-053, § 392-140-609, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290. 02-05-036, § 392-140-609, filed 2/12/02, effective 2/13/02; 01-04-023, § 392-140-609, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-609, filed 9/18/96, effective 10/19/96.]

WAC 392-140-616 Special education safety net—Standards—High need student applications. For districts requesting safety net funding to meet the extraordinary needs of an eligible high need special education student, the district shall demonstrate at a minimum that:

(1) The IEP for the eligible special education student is appropriate, and properly and efficiently prepared and formulated.

(2) All of the following criteria apply to the high need student:

(a) Costs eligible for safety net consideration must be associated with providing direct special education and related services identified in the IEP.

(b) In order to deliver appropriate special education and related services to the student, the district must be providing services which incur costs exceeding:

(i) The annual threshold as established by the office of superintendent of public instruction for state funding; then

(ii) Three times the average per pupil expenditure (as defined in section 9101 of the Elementary and Secondary Education Act of 1965) for the state of Washington for federal funding. Threshold amounts shall be adjusted pro rata for students not counted or expected to be counted for special education services on all eight enrollment count dates (October through May). For example, for a student served and reported for only six of the eight count dates, the threshold amount shall be reduced to three-quarters of the full amount.

(c) The total cost of educational services must exceed any carryover of federal flow-through special education funding as of August 31 of the prior school year.

(3) The state safety net oversight committee shall adapt the high need student application as appropriate for applications prepared by the Washington state school for the blind and the Washington school for the deaf.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-616, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 03-02-053, § 392-140-616, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290. 02-05-036, § 392-140-616, filed 2/12/02, effective 2/13/02; 01-04-023, § 392-140-616, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-616, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-616, filed 9/18/96, effective 10/19/96.]

WAC 392-140-626 Special education safety net—Worksheet A—Demonstration of need. Applications for high need students shall demonstrate district financial need as follows:

(1) Application worksheet "A" shall demonstrate a fiscal need in excess of:

(a) Any previous safety net awards for the current school year; and

(b) All available revenue for special education, including all carryover of state and federal special education revenue.

[Title 392 WAC—p. 173]

(2) Awards shall not exceed the amount of need demonstrated on the worksheet "A."

(3) Worksheets submitted with safety net applications are to reflect the state adopted excess cost method of accounting, consistently applied for both years presented.

(4) The safety net oversight committee may revise the district's worksheet "A" submitted for errors or omissions or more current information.

(5) The school district shall provide clarifying information as requested by the state oversight committee.

(6) After the close of the school year, the safety net oversight committee may review the worksheet "A" used to determine need for a district's award against the actual final school year enrollments, revenues, and expenditures reported by the district. Based upon the results of this review:

(a) The safety net allocation for the school year may be adjusted or recovered; or

(b) If the committee finds that a portion of the safety net allocation was not needed to balance revenues and expenditures, the committee may consider that portion of the allocation available to meet the needs of the ensuing school year.

(7) The state safety net oversight committee shall adapt the worksheet "A" - Demonstration of Need as appropriate for applications prepared by districts participating in the pilot program according to the provisions of RCW 28A.630.015 (4).

(8) In accordance with the state of Washington *Accounting Manual for Public School Districts* and statutory federal language, demonstrated need shall not include legal fees, court costs, or other costs associated with a cause of action brought on behalf of a child to ensure a free appropriated public education.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-626, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 04-08-118, § 392-140-626, filed 4/6/04, effective 5/7/04; 03-02-053, § 392-140-626, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290. 01-04-023, § 392-140-626, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7). 00-03-015, § 392-140-626, filed 1/7/00, effective 2/7/00.]

WAC 392-140-630 Special education safety net—Special education program audit team—Purpose, procedures. Special education program audits by staff of the state auditor's office may be requested to assist the special education safety net committee. When reviewing a school district's special education program, the auditors may review and verify any certifications and supporting information provided by the district in a safety net application. The auditors may provide the results of the review to the state oversight committee. The results of the auditor's review may be considered by the oversight committee in determining, adjusting, or recovering safety net awards.

[Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 04-08-118, § 392-140-630, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 28A.150.290. 02-05-036, § 392-140-630, filed 2/12/02, effective 2/13/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7). 00-03-015, § 392-140-630, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-630, filed 3/18/98, effective 4/18/98.]

WAC 392-140-640 Special education safety net—State oversight committee—Membership, structure. Membership of the state oversight committee shall consist of:

Staff of the office of superintendent of public instruction, staff of the office of state auditor who shall be nonvoting, one or more representatives from a school district(s), and one or more representatives from an educational service district.

(1) The state oversight committee members will be appointed by the office of superintendent of public instruction.

(2) The state director of special education shall serve as an ex officio, nonvoting committee member and act as the state oversight committee manager.

(3) Members of the state oversight committee from school districts and/or educational service districts will be appointed based on their knowledge of special education program service delivery and funding, geographical representation, size of district(s) served, and other demographic considerations which will guarantee a representative state committee.

(4) Alternate members shall be appointed. In the event a member is unable to attend a committee meeting, an alternate member shall attend.

(5) Membership appointments shall be made for a period of one year. The oversight committee manager may replace a portion of the committee each year in order to enhance representation.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-640, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 04-08-118, § 392-140-640, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-640, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-640, filed 9/18/96, effective 10/19/96.]

WAC 392-140-643 Special education safety net—Definition—State oversight committee—Procedures. (1)

The state oversight committee will review applications as deemed necessary by the superintendent of public instruction pursuant to WAC 392-140-608.

(2) All applications received by the state oversight committee will be reviewed for completeness by the state oversight committee manager or designee. Applications must include all necessary forms, worksheets, and attachments described in the instruction bulletin published by the superintendent of public instruction. If applications are not complete, they will not be considered by the committee.

(3) The state oversight committee manager will forward to the committee members copies of the applications in a timely manner.

(4) The state oversight committee manager or designee will be responsible for presenting each application for consideration to the committee.

(5) Committee members shall review and discuss the application content for completeness, accuracy, and understanding of the reason(s) for the applicant's need for safety net funding.

(6) The committee may request that a submitting school district provide clarifying information.

(7) Committee members will individually indicate their agreement, disagreement, or abstention with the action of the committee pursuant to WAC 392-140-646.

(8) A majority vote by the committee members will be sufficient to determine the committee action.

(9) The state oversight committee manager will ensure that notes are taken which summarize the questions and discussion related to each application. A decision summary for each application shall include the amount of the initial request, funding adjustments recommended by the committee, the amount of any award to be made, and the reasons for and against the action taken by the committee.

(10) Committee members shall each sign the decision summary.

(11) The state oversight committee manager, on behalf of the committee, will notify the applicant school district in writing of the determination of the committee. The school district will be provided a copy of the decision summary.

(12) All applications received by the state oversight committee will be retained by the superintendent of public instruction for use in the evaluation of the safety net funding process and to provide the superintendent of public instruction with information with which to make future decisions regarding the safety net process.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-643, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 04-08-118, § 392-140-643, filed 4/6/04, effective 5/7/04; 03-02-053, § 392-140-643, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-643, filed 9/18/96, effective 10/19/96.]

WAC 392-140-646 Special education safety net—State oversight committee actions. The state oversight committee shall take the following actions:

- (1) After the state oversight committee determines:
 - (a) There are no unresolved audit examination issues related to special education that are material in nature;
 - (b) There are no unresolved child count verification issues which are material in nature; and
 - (c) All corrections to state enrollment reporting, required for resolution of (a) and (b) of this subsection, are completed.
- (2) An application reviewed during an application cycle may be:
 - (a) Approved;
 - (b) Disapproved; or
 - (c) Returned to the submitting school district, for possible resubmission at a later date during the school year, because information contained in the application is insufficient to establish a need for safety net funding.
- (3) The amount approved shall be equal to or less than the amount for which application was made.
- (4) The approval may be contingent on additional requirements imposed by the committee such as development of an action plan to resolve a specified problem prior to submission of any future safety net application to assure school district compliance with the criteria and standards set forth in these safety net regulations.
- (5) The approvals are subject to adjustment and recovery pursuant to WAC 392-140-675 through 392-140-685.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-646, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 04-08-118, § 392-140-646, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-646, filed 9/18/96, effective 10/19/96.]

(2007 Ed.)

WAC 392-140-650 Special education safety net—Withdrawal of application. If at any time a school district wishes to withdraw a submitted application, the school district superintendent or designee must submit a letter requesting withdrawal to the state oversight committee prior to the published meeting date.

[Statutory Authority: RCW 28A.150.290. 02-05-036, § 392-140-650, filed 2/12/02, effective 2/13/02. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-650, filed 9/18/96, effective 10/19/96.]

WAC 392-140-653 Special education safety net—Reapplication. If the applicant school district withdrew an application, or submitted an incomplete application, or is dissatisfied with the results of the state oversight committee's decision with regard to its application, the applicant may reapply for safety net funding in a later application cycle for the school year. All applications for each meeting must include all updated worksheets and attachments described in the bulletin published by the superintendent of public instruction and meet the timing requirements of WAC 392-140-608.

[Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 04-08-118, § 392-140-653, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-653, filed 9/18/96, effective 10/19/96.]

WAC 392-140-656 Special education safety net—Request for review and reconsideration of an action. An applicant district may request review and reconsideration of an action of the state oversight committee made pursuant to WAC 392-140-646.

- (1) The district shall make the request in writing to the superintendent of public instruction within thirty days of the date that the state oversight committee's written determination notice is sent to the district pursuant to WAC 392-140-643(11).
- (2) The applicant district shall request reconsideration of the state oversight committee's action on one or more of the following grounds:
 - (a) The action was outside the statutory authority of the committee;
 - (b) The action failed to follow prescribed procedures;
 - (c) The action erroneously interpreted or applied the law;
 - (d) The action was not supported by substantial evidence; or
 - (e) The action was inconsistent with the agency rules regarding safety net funding.

(3) If the superintendent of public instruction finds grounds for reconsideration pursuant to subsection (2) of this section, the superintendent shall request reconsideration of the action by the state oversight committee. The superintendent's request shall state the grounds for reconsideration supported by the facts considered by the superintendent.

[Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 03-02-053, § 392-140-656, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-656, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-656, filed 9/18/96, effective 10/19/96.]

[Title 392 WAC—p. 175]

WAC 392-140-660 Special education safety net—Approved application—Special education safety net allocations. (1) The special education safety net allocation for an individual district shall be the smaller of:

- (a) The amount requested by the school district; or
- (b) The amount authorized by the state oversight committee.

(2) Special education safety net allocations for high need students under WAC 392-140-605 (1) shall use appropriated federal moneys. If safety net awards to meet the extraordinary needs of one or more individual special education students exceed the general fund—federal appropriation, the superintendent shall expend all available and otherwise uncommitted federal discretionary funds necessary to meet this need.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-660, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 03-02-053, § 392-140-660, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290. 01-04-023, § 392-140-660, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7). 00-03-015, § 392-140-660, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-660, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-660, filed 9/18/96, effective 10/19/96.]

WAC 392-140-675 Special education safety net—Adjustments to special education safety net allocations. Safety net allocations may be adjusted as follows:

(1) For those districts not maximizing Medicaid billing for special education students under RCW 74.09.5255, special education safety net allocations shall be reduced by the estimated potential additional incentive payments for the school year if the district maximized Medicaid incentive payments. Potential additional incentive payments shall be estimated by the superintendent of public instruction based on the district's percent of Medicaid eligible students billed and a statewide average incentive payment per student determined by the superintendent in October of the school year. The average incentive payment per student shall be determined using the prior school year's statewide Medicaid billing data assuming fifty percent incentive payments for all school districts. The superintendent of public instruction shall update Medicaid billing adjustments to safety net allocations periodically during the school year and again in January following the close of the school year.

(2) Special education safety net allocations for a school district may be adjusted to reflect changes in factors for which additional or revised information becomes available after the awarding of the initial safety net allocation. This means:

(a) High need awards may be reduced or nullified when the school district's actual revenues and expenditures for the school year differ significantly from the estimates on which the initial safety net award was based.

(b) A school district's safety net award may be adjusted by the safety net oversight committee based on the results of the review conducted by the special education program audit team pursuant to WAC 392-140-630.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-675, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). 03-02-053, § 392-140-675, filed 12/26/02, effective 1/26/03.]

[Title 392 WAC—p. 176]

Statutory Authority: RCW 28A.150.290. 01-04-023, § 392-140-675, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7). 00-03-015, § 392-140-675, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-675, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-675, filed 9/18/96, effective 10/19/96.]

WAC 392-140-685 Special education safety net—Recovery of state and/or federal allocations to school districts. High need student state and/or federal special education safety net allocations:

(1) Shall be recovered or awards reduced for the following reasons:

(a) The application contains a falsification or deliberate misrepresentation, including omission of a material fact.

(b) The allocation is unexpended for the purpose allocated including but not limited to situations where the student leaves the district or has a change in services. For students who transfer to another Washington public school district, expenditures for specialized equipment purchased with these funds shall not be recovered provided the district transfers the equipment to the other school district.

(c) The IEP is determined at a later date, through state audit or child count verification, to be inappropriate or improperly prepared and appropriate and proper preparation would materially affect the justification or amount of need for safety net funding.

(2) May be recovered or awards reduced for the following reasons:

(a) The school district has carryover of state and/or federal flow-through special education funding from the school year for which the award was made.

(b) The district's actual revenues are significantly higher than estimated revenues on which the award was based or the district's actual expenditures are significantly lower than the estimated expenditures on which the award was based.

(c) The state oversight committee finds grounds for adjustment in the special education program audit team's review pursuant to WAC 392-140-630.

Recovery adjustments not made in the current school year shall be added to the amount calculated pursuant to WAC 392-140-616 (2)(c) for the following school year. Such amounts reduce state and/or federal safety net awards in the following year.

[Statutory Authority: RCW 28A.150.290. 06-01-017, § 392-140-685, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). 98-08-013 (Order 98-05), § 392-140-685, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-685, filed 9/18/96, effective 10/19/96.]

K-4 STAFF ENHANCEMENT

WAC 392-140-900 K-4 Staff enhancement—Applicable provisions. The provisions of WAC 392-140-900 through 392-140-913 apply to the determination of staff/student ratios used in apportionment of state basic education moneys to school districts based on the district's kindergarten through fourth grade (K-4) staff and students.

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-900, filed 1/3/00, effective 2/3/00.]

(2007 Ed.)

WAC 392-140-901 K-4 Staff enhancement—Authority. The authority for WAC 392-140-900 through 392-140-913 is the Biennial Operating Appropriations Act established by the legislature for each school year; and RCW 28A.150.-290(1).

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-901, filed 1/3/00, effective 2/3/00.]

WAC 392-140-902 K-4 Staff enhancement—Purpose. The purpose of WAC 392-140-900 through 392-140-913 is to set forth the policies and procedures used by the superintendent of public instruction to determine enhanced state funding for certificated instructional staff for grades kindergarten through four above the minimum ratios set forth in RCW 28A.150.260 (2)(c).

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-902, filed 1/3/00, effective 2/3/00.]

WAC 392-140-903 K-4 Staff enhancement—Definitions. As used in WAC 392-140-900 through 392-140-913:

(1) "Report S-275" means the school district personnel report as defined in WAC 392-121-225.

(2) "Form SPI 1158" means the form provided by the superintendent of public instruction on which school districts report a net change in K-12 full-time equivalent (FTE) staff and/or K-4 FTE staff after October 1.

(3) "Report 1159" means the report produced by the superintendent of public instruction displaying the calculations of K-4 certificated instructional staffing and K-4 apportionment ratios and other information as necessary.

(4) "Form SPI 1160" means the form provided by the superintendent of public instruction on which school districts may select the period of enrollment the superintendent of public instruction shall use to calculate staffing ratios.

(5) "Form SPI 1230" means the form provided by the superintendent of public instruction on which school districts had the option of reporting 1989-90 FTE K-3 basic education classified instructional assistants before September 1, 1999.

(6) "Form SPI 1230K-4" means the form provided by the superintendent of public instruction on which school districts have the option of reporting 1989-90 FTE K-4 basic education classified instructional assistants after September 1, 1999.

(7) "FTE K-4 basic education enrollment" means the school district's K-4 full-time equivalent enrollment reported for basic education funding pursuant to WAC 392-121-122 for the month of October or such other period selected by the district on optional Form SPI 1160.

(8) "FTE basic education certificated instructional employee" means the FTE calculated pursuant to WAC 392-121-215 for a basic education certificated instructional employee assigned in whole or in part to the following programs as defined in the *Accounting Manual for Public School Districts in the State of Washington*:

- (a) Basic education, program 01;
- (b) Vocational, basic, state, program 31;
- (c) Skills center, basic, state, program 45; and
- (d) District-wide support, program 97.

(9) "FTE K-4 basic education certificated instructional employee" means for a FTE basic education certificated instructional employee the following:

(a) If the basic education certificated instructional employee serves only K-4 students, one hundred percent of the FTE assigned to basic education; or

(b) If the basic education certificated instructional employee serves K-4 students and students of one or more other grades, multiply the FTE assigned to basic education by:

(i) The proportion of time spent serving K-4 students to all time serving students;

(ii) The proportion of K-4 students served to all students served; or

(iii) Any combination of (i) or (ii) of this subsection as appropriate.

(10) "FTE K-4 basic education certificated instructional staff" means the sum of FTE K-4 basic education certificated instructional employees for a school district.

(11) "Basic education classified instructional assistant" means a person who is assigned in whole or in part to:

(a) Program 01 - basic education; 31 - vocational, basic, state; or 45 - skills center, basic, state; and

(b) Activity 27 - teaching; and

(c) Duty 910 - aide.

(12) "Basic education classified instructional assistant FTE" means the number determined for a basic education classified instructional assistant as follows:

(a) Determine the hours per year that the employee is assigned as a basic education classified instructional assistant; and

(b) Divide by 2080.

(13) "District FTE K-4 basic education classified instructional assistants" means the sum of a school district's FTE K-4 basic education classified instructional assistants.

(a) If the basic education classified instructional assistant serves only K-4 students, one hundred percent of the FTE determined pursuant to subsection (12) of this section.

(b) If the basic education classified instructional assistant serves K-4 students and students of one or more other grades, multiply the FTE determined pursuant to subsection (12) of this section by:

(i) The proportion of time spent serving K-4 students to all time serving students;

(ii) The proportion of K-4 students served to all students served; or

(iii) Any combination of (b)(i) or (ii) of this subsection as appropriate.

(14) "Actual average salary for basic education classified instructional assistants" means the dollar amount determined for a school district for a school year as follows:

(a) For each basic education certificated instructional assistant reported on Report S-275 determine the assignment salary reported;

(b) Sum the dollar amounts determined pursuant to (a) of this subsection; and

(c) Divide the result of (b) of this subsection by the sum of the school district's FTE basic education classified instructional assistants as reported on Report S-275.

[Statutory Authority: RCW 28A.150.290(1) and 2004 c 276 § 502 (2)(a). 05-17-179, § 392-140-903, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.150.290(2) and 2001 2nd sp.s. c 7 § 502 (2)(a)(v). 02-09-024, § 392-140-903, filed 4/8/02, effective 5/9/02. Statutory Authority: RCW 28A.150.290 [28A.150.290], 28A.505.140. 01-08-048, § 392-140-903, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW

28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-903, filed 1/3/00, effective 2/3/00.]

WAC 392-140-904 K-4 Staff enhancement—School district reporting. School districts shall report staff information to the superintendent of public instruction as follows:

(1) Required Report S-275. School districts shall report K-4 basic education certificated instructional staff and K-4 basic education classified instructional assistants employed as of October 1 of the school year on Report S-275 pursuant to instructions provided by the superintendent of public instruction.

(2) Optional Form SPI 1158. School districts may use this form to report net changes in K-4 basic education certificated instructional staff or in K-4 basic education classified instructional assistants after October 1 determined as follows:

(a) Determine the base contract K-4 basic education FTE that would be reported for each employee for the school year on Report S-275 if the current date were substituted for the October 1 snapshot date as required in S-275 instructions and subtract the base contract K-4 basic education FTE as of October 1 actually reported for the employee on the school district's most current Report S-275.

(b) Include decreases as well as increases in FTE staff after October 1 and not reflected in Report S-275. Decreases include terminations, retirements, unpaid leave, and reassignment of staff.

(3) Optional Form SPI 1160. School districts may use this form to select an enrollment period other than October:

(a) Enrollment for any month of the school year; or

(b) Annual average enrollment for the school year.

(4) Optional Form SPI 1230 K-4. School districts may use this form to report 1989-90 FTE K-4 classified instructional assistants. This is a one-time form. Once filed, the information from this form is used for all subsequent years unless revised by the district.

(5) Optional report forms for a school year must be filed with the superintendent of public instruction by September 30 following the close of the school year.

[Statutory Authority: RCW 28A.150.290(1) and 2004 c 276 § 502 (2)(a). 05-17-179, § 392-140-904, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.150.290(2) and 2001 2nd sp.s. c 7 § 502 (2)(a)(v). 02-09-024, § 392-140-904, filed 4/8/02, effective 5/9/02.]

WAC 392-140-906 K-4 Staff enhancement—Determination of FTE K-4 basic education classified instructional assistants in 1989-90. For the purposes of WAC 392-140-900 through 392-140-913 a school district's FTE K-4 basic education classified instructional assistants in the 1989-90 school year shall be determined as follows:

(1) If the school district submitted Form SPI 1230 before September 1, 1999, and does not submit Form SPI 1230K-4, then the number shall be estimated by the superintendent of public instruction by multiplying the number of K-3 basic education classified instructional assistants reported by the district on Form SPI 1230 by the district's 1989-90 final annual average FTE K-4 basic education enrollment and dividing by the district's 1989-90 final annual average FTE K-3 basic education enrollment.

(2) If the school district submits Form SPI 1230K-4 after September 1, 1999, then the superintendent shall use the

number of 1989-90 FTE K-4 basic education classified instructional assistants reported on Form SPI 1230K-4.

(3) A school district submitting Form SPI 1230K-4 may update 1989-90 FTE basic education classified instructional assistants to reflect the most current activity definitions allowed for duty root 91 - aides. The school district may exclude any classified instructional assistants previously reported on Form SPI 1230 that would be reported in the current school year in activity 24 - guidance and counseling, activity 25 - pupil management and safety, or activity 26 - health related services.

(4) Districts filing Form SPI 1230K-4 shall retain documentation of 1989-90 staff assignment data for audit.

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-906, filed 1/3/00, effective 2/3/00.]

WAC 392-140-907 K-4 Staff enhancement—Determination of increase in K-4 basic education classified instructional assistants. The superintendent of public instruction shall calculate a district's increase in K-4 basic education classified instructional assistants for a school year by determining the district's FTE K-4 basic education classified instructional assistants for the school year reported on the district's Report S-275 and optional Form SPI 1158, and subtracting the district's FTE K-4 basic education classified instructional assistants in the 1989-90 school year determined pursuant to WAC 392-140-906.

[Statutory Authority: RCW 28A.150.290(2) and 2001 2nd sp.s. c 7 § 502 (2)(a)(v). 02-09-024, § 392-140-907, filed 4/8/02, effective 5/9/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-907, filed 1/3/00, effective 2/3/00.]

WAC 392-140-908 K-4 Staff enhancement—Determination of the K-4 certificated staff ratio equivalent of increased K-4 classified instructional assistants. For those school districts with an increase in K-4 basic education classified instructional assistants, the superintendent of public instruction shall calculate a K-4 certificated staff ratio equivalent as follows:

(1) Sum the increase in the district's K-4 basic education classified instructional assistants determined pursuant to WAC 392-140-907;

(2) Divide the result of subsection (1) of this section by the district's FTE K-4 basic education enrollment;

(3) Multiply the result of subsection (2) of this section by the ratio of actual average salary for basic education classified instructional assistants to average certificated instructional staff salary for the purpose of apportionment; and

(4) Multiply the result of subsection (3) of this section by 1000.

[Statutory Authority: RCW 28A.150.290(1) and section 502 (2)(a) of ESSB 6387. 03-03-001, § 392-140-908, filed 1/2/03, effective 2/2/03. Statutory Authority: RCW 28A.150.290(2) and 2001 2nd sp.s. c 7 § 502 (2)(a)(v). 02-09-024, § 392-140-908, filed 4/8/02, effective 5/9/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-908, filed 1/3/00, effective 2/3/00.]

WAC 392-140-910 K-4 Staff enhancement—Determination of district K-4 certificated instructional staffing ratio. The superintendent of public instruction shall calculate each school district's K-4 certificated instructional staffing ratio as follows:

(1) Add FTE K-4 basic education certificated instructional employees from Report S-275 and any net change in FTE K-4 basic education certificated instructional staff reported on Form SPI 1158 pursuant to WAC 392-140-903;

(2) Divide the result of subsection (1) of this section by FTE K-4 basic education enrollment; and

(3) Multiply the result obtained in subsection (2) of this section by 1000.

[Statutory Authority: RCW 28A.150.290(2) and 2001 2nd sp.s. c 7 § 502 (2)(a)(v). 02-09-024, § 392-140-910, filed 4/8/02, effective 5/9/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-910, filed 1/3/00, effective 2/3/00.]

WAC 392-140-912 K-4 Staff enhancement—Determination of K-4 apportionment ratios. The superintendent of public instruction shall determine each school district's ratio of state allocated certificated instructional staff units per one thousand K-4 students for state basic education apportionment as follows:

(1) For the months of September through December, the superintendent shall use the district's estimated K-4 ratio as submitted on Report F-203 Estimates of State Revenue, or as submitted on a letter to the superintendent after submission of Report F-203.

(2) Beginning with the January apportionment payment and each month thereafter, the superintendent shall calculate the district's K-4 apportionment ratio as the greater of (a) or (b) of this subsection:

(a) The district's minimum state-funded K-4 staffing ratio, using FTE enrollment for state apportionment, and calculated as follows:

(i) Sum the district's K-3 FTE enrollment times 0.049 and the district's fourth grade FTE enrollment times 0.046;

(ii) Divide the result of (a)(i) of this subsection by the district total K-4 FTE enrollment;

(iii) Multiply the result of (a)(ii) of this subsection by 1000.

(b) The lesser of:

(i) 53.2; or

(ii) The sum of the following:

(A) The district's K-4 certificated instructional staff ratio pursuant to WAC 392-140-910; and

(B) If the district's K-4 basic education certificated instructional staff ratio is 51.00 or greater, the lesser of 1.3 or the district's K-4 certificated staff ratio equivalent of the increased K-4 classified instructional assistants pursuant to WAC 392-140-908 if applicable, otherwise zero.

[Statutory Authority: RCW 28A.150.290(1) and 2004 c 276 § 502 (2)(a). 05-17-179, § 392-140-912, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.150.290(1) and section 502 (2)(a) of ESSB 6387. 03-03-001, § 392-140-912, filed 1/2/03, effective 2/2/03. Statutory Authority: RCW 28A.150.290(2) and 2001 2nd sp.s. c 7 § 502 (2)(a)(v). 02-09-024, § 392-140-912, filed 4/8/02, effective 5/9/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-912, filed 1/3/00, effective 2/3/00.]

WAC 392-140-913 K-4 Staff enhancement—Reporting by the superintendent of public instruction. Beginning in January of each school year, with each monthly apportionment report to the school district thereafter, the superintendent of public instruction shall provide Report 1159 showing the details of the superintendent's calculation of the district's

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K-4 apportionment ratio including the most current data from Report S-275 and data from any optional school district reports received by the superintendent of public instruction by the 15th of the month.

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 502 (2)(a)(iii). 00-02-063, § 392-140-913, filed 1/3/00, effective 2/3/00.]

LEARNING IMPROVEMENT DAYS

WAC 392-140-950 Learning improvement days—Applicable provisions. The provisions of WAC 392-140-950 through 392-140-967 govern state funding for up to three learning improvement days for certificated instructional staff in the 2001-02 school year and up to two days in the 2002-03 school year and thereafter.

[Statutory Authority: RCW 28A.150.290(1) and section 503(7) of the 2001-03 state budget and 2002 supplemental budget. 02-20-063, § 392-140-950, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 28A.150.290 (2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-950, filed 9/28/99, effective 9/29/99.]

WAC 392-140-951 Learning improvement days—Purpose. These rules determine eligibility for state funding and establish guidelines for the use of learning improvement days. The purpose of these days is to expand the state-funded school year for certificated instructional staff. These additional days will provide time for teachers, other certificated instructional staff, and administrators to work together to plan and implement education reforms designed to increase student achievement.

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-951, filed 9/28/99, effective 9/29/99.]

WAC 392-140-955 Learning improvement days—Definition—Learning improvement day. As used in this chapter "learning improvement day" means a scheduled work day during the school year for certificated instructional staff funded by the state for the purpose of improving student learning and implementing education reform.

(1) A learning improvement day is a scheduled work day on a district or school calendar.

(2) The length of a learning improvement day shall not be less than the length of a full work day for certificated instructional staff on a school day during the school year: Provided, That two half days may be scheduled in lieu of one full learning improvement day if the combined work hours equal or exceed hours in a full learning improvement day.

(3) No learning improvement day, or half day, shall be scheduled on a school day as defined in WAC 392-121-033.

(4) A school district may schedule learning improvement days for different school buildings or groups of employees on different calendar days.

(5) Learning improvement days shall be compensated as part of the employee's base contract.

[Statutory Authority: RCW 28A.150.290(1) and section 503(7) of the 2001-03 state budget and 2002 supplemental budget. 02-20-063, § 392-140-955, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-955, filed 9/28/99, effective 9/29/99.]

WAC 392-140-956 Learning improvement days—Other definitions. As used in WAC 392-140-950 through 392-140-967:

(1) "Certificated instructional staff" means district certificated instructional employees and contractor certificated instructional employees as defined in WAC 392-121-205 and 392-121-206.

(2) "Base contract" means a contract protected by the continuing contract law, RCW 28A.405.300. The base contract does not include hours or compensation provided under a supplemental contract as defined in RCW 28A.400.200.

(3) "Number of days in the base contract" means the number of full work days in the school year for a full-time certificated instructional employee holding the position for the full school year. Days include paid leave. The number of hours in a full work day is determined by each school district. Days scheduled before September 1 can be counted in the school year if included and compensated in the base contract for the school year beginning September 1.

(4) "Selected state-funded programs" means the following programs as defined in the *Accounting Manual for Public School Districts in the State of Washington*:

- 01 Basic Education
- 21 Special Education-Supplemental-State
- 31 Vocational-Basic-State
- 45 Skills Center-Basic-State
- 55 Learning Assistance Program-State
- 65 Transitional Bilingual-State
- 74 Highly Capable
- 97 District-wide Support

(5) "State institutional education programs" means the following programs:

- 26 Special Education-Institutions-State
- 56 State Institutions, Centers, and Homes-Delinquent

[Statutory Authority: RCW 28A.150.290 [28A.150.290], 28A.505.140. 01-08-048, § 392-140-956, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-956, filed 9/28/99, effective 9/29/99.]

WAC 392-140-957 Learning improvement days—Allowable activities. Activities that may be conducted on learning improvement days include: Developing and updating student learning improvement plans; implementing curriculum materials and instructional strategies; providing professional development to implement the selected curricula and instruction; developing and implementing assessment strategies and training in assessment scoring; and conducting other activities intended to improve student learning for all students, including students with diverse needs. Activities shall be consistent with district and school plans for improving student learning. District and school plans shall delineate how the learning improvement days will be used to assist students in meeting the essential academic learning requirements and help the district or school achieve state and local accountability goals. Plans shall be made available to the public and to others upon request.

[Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-957, filed 9/28/99, effective 9/29/99.]

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WAC 392-140-961 Learning improvement days—Determination of the number of funded learning improvement days in the 2001-02 school year and thereafter. The superintendent of public instruction shall separately determine for selected state-funded programs and for institutional education programs the number of funded learning improvement days for each school district for the 2001-02 school year and for each school year thereafter as follows:

(1) In September through December of each school year, the superintendent will use the number of learning improvement days budgeted by the district and reported on Form F-203.

(2) Monthly, beginning in January of the school year, using current personnel data reported on the S-275 Personnel Report:

(a) Select all certificated instructional staff with assignments in the programs.

(b) For each employee, subtract one hundred eighty days from the number of days reported in the base contract.

(c)(i) For the 2001-02 school year, take the lesser of three days or the result of (b) of this subsection but not less than zero.

(ii) For the 2002-03 school year and thereafter, take the lesser of two days or the result of (b) of this subsection but not less than zero.

(d) Sum the number of days determined for all employees pursuant to (b) and (c) of this subsection.

(e) Divide the result of (d) of this subsection by the number of employees and round to two decimal places.

(f) The result is the number of funded learning improvement days for the district.

(3) After the close of the school year, the superintendent shall fund the lesser of:

(a) The number of days determined pursuant to subsection (2) of this section; or

(b) The number of days reported by the district pursuant to WAC 392-140-967.

[Statutory Authority: RCW 28A.150.290(1) and section 503(7) of the 2001-03 state budget and 2002 supplemental budget. 02-20-063, § 392-140-961, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-961, filed 9/28/99, effective 9/29/99.]

WAC 392-140-962 Learning improvement days—Salary allocations for learning improvement days. Using the number of learning improvement days determined pursuant to WAC 392-140-961, the superintendent of public instruction shall adjust salary allocations to school districts as follows:

(1) For general apportionment, the derived base salary allocation for learning improvement days as shown on LEAP Document 12E shall be reduced pro rata for any district with less than three learning improvement days in the 2001-02 school year, or less than two learning improvement days in the 2002-03 school year and thereafter in selected state-funded programs.

(2) Special education allocations shall be adjusted based on adjustments to the unenhanced basic education allocation per full-time equivalent student.

(3) For transitional bilingual, highly capable, and learning assistance program allocations, the additional state allo-

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cation per pupil for three learning improvement days in the 2001-02 school year and for two learning improvement days in the 2002-03 school year and thereafter as calculated by the superintendent shall be reduced pro rata for any district with fewer learning improvement days in selected state-funded programs.

(4) For state institutional education programs the salary allocation for three learning improvement days in the 2001-02 school year and for two learning improvement days in the 2002-03 school year and thereafter as calculated by the superintendent shall be reduced pro rata for any district with fewer learning improvement days in state institutional education programs. Educational service districts or contractors operating state-funded institutional education programs shall be eligible for learning improvement day funding in the same manner as school districts.

(5) Allocations for learning improvement days are subject to adjustment or recovery based on findings of the Washington state auditor and chapters 392-115 and 392-117 WAC.

[Statutory Authority: RCW 28A.150.290(1) and section 503(7) of the 2001-03 state budget and 2002 supplemental budget. 02-20-063, § 392-140-962, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 28A.150.-290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-962, filed 9/28/99, effective 9/29/99.]

WAC 392-140-965 Learning improvement days—School district requests for review and adjustment. A school district may at any time request that the superintendent of public instruction review and adjust data and calculations used to determine funding for learning improvement days pursuant to this chapter.

Requests for adjustment to the number of learning improvement days provided in the 1999-2000 school year and thereafter shall be considered if the district shows that the data or calculations are in error, or other bona fide adjustments are necessary.

[Statutory Authority: RCW 28A.150.290(1) and section 503(7) of the 2001-03 state budget and 2002 supplemental budget. 02-20-063, § 392-140-965, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 28A.150.-290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-965, filed 9/28/99, effective 9/29/99.]

WAC 392-140-967 Learning improvement days—School district reporting requirements. After the close of the school year, school districts receiving funding for learning improvement days shall report the number of learning improvement days provided by the district meeting the requirements of WAC 392-140-950 through 392-140-965.

[Statutory Authority: RCW 28A.150.290(1) and section 503(7) of the 2001-03 state budget and 2002 supplemental budget. 02-20-063, § 392-140-967, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 28A.150.-290(2) and 1999 c 309 § 503(7). 99-20-021 (Order 98-07), § 392-140-967, filed 9/28/99, effective 9/29/99.]

SALARY BONUS FOR TEACHERS WHO ATTAIN CERTIFICATION BY THE NATIONAL BOARD

WAC 392-140-970 Salary bonus for teachers who attain certification by the national board—Applicable provisions—Authority. The provisions of WAC 392-140-970 through 392-140-974 govern administration of the salary bonus for teachers who attain certification by the national

board for professional teaching standards. The authority for WAC 392-140-970 through 392-140-974 is the state Biennial Operating Appropriations Act and RCW 28A.150.290(1).

[Statutory Authority: RCW 28A.150.290(2) and 2001 c 7 § 514(12). 02-15-023, § 392-140-970, filed 7/9/02, effective 8/9/02.]

WAC 392-140-971 Salary bonus for teachers who attain certification by the national board—Purpose. These rules determine eligibility for state funding and establish guidelines for the administration of the bonus.

[Statutory Authority: RCW 28A.150.290(2) and 2001 c 7 § 514(12). 02-15-023, § 392-140-971, filed 7/9/02, effective 8/9/02.]

WAC 392-140-972 Salary bonus for teachers who attain certification by the national board—Definitions. As used in this chapter:

(1) "Form SPI 1525" means the form provided by the superintendent of public instruction on which districts may request payment of the salary bonus for teachers who attain certification by the national board for professional teaching standards.

(2) "Teacher" means an employee assigned to one of the following duties as defined in the *S-275 Personnel Reporting Handbook*:

- (a) Elementary teacher, duty root 31;
- (b) Secondary teacher, duty root 32;
- (c) Other teacher, duty root 33;
- (d) Long-term substitute teacher, duty root 52;
- (e) Contractor teacher, duty root 63; or
- (f) If the district certifies that the employee is assigned teaching responsibilities or serves as a mentor teacher:
 - (i) Other support personnel, duty root 40;
 - (ii) Library media specialist, duty root 41;
 - (iii) Counselor, duty root 42; or
 - (iv) Reading resource specialist, duty root 49.

[Statutory Authority: RCW 28A.150.290(2) and 2001 c 7 § 514(12). 02-15-023, § 392-140-972, filed 7/9/02, effective 8/9/02.]

WAC 392-140-973 Salary bonus for teachers who attain certification by the national board—Eligibility. Candidates who are eligible for the bonus shall be limited to those meeting the following requirements:

(1) Hold current certification by the national board for professional teaching standards; and

(2) Who are:

(a) Teachers employed full time or part time by Washington public school districts or educational service districts pursuant to RCW 28A.405.210; or

(b) Teachers employed full time or part time by a contractor pursuant to WAC 392-121-188 and 392-121-206 (2)(a).

[Statutory Authority: RCW 28A.150.290(2) and 2001 c 7 § 514(12). 02-15-023, § 392-140-973, filed 7/9/02, effective 8/9/02.]

WAC 392-140-974 Salary bonus for teachers who attain certification by the national board—Administrative procedures. (1) School districts that employ teachers eligible for the salary bonus shall report those employees to the office of superintendent of public instruction by submitting Form SPI 1525 for each individual.

(2) Districts shall document each teacher's eligibility by maintaining on file for audit a copy of the teacher's national board certification notice and, if the teacher is not shown on Report S-275, evidence of employment and duties assigned.

(3) Report forms received by the superintendent of public instruction by the 15th of the month shall be paid in that month's apportionment and displayed on Report 1197, in revenue account 4158.

(4) For each candidate, the superintendent of public instruction shall send the district the amount of the salary bonus set in the operating appropriations act plus an amount for the district's (employer) portion of social security benefits.

(5) The district shall pay the bonus to the employee in a lump sum amount on a supplemental contract pursuant to RCW 28A.400.200.

(6) The salary bonus is excluded from the definition of "earnable compensation" under RCW 41.32.010(10).

[Statutory Authority: RCW 28A.150.290(1) and section 513(11) of ESSB 5404 (the 2003-05 state operating budget). 03-21-100, § 392-140-974, filed 10/17/03, effective 11/17/03. Statutory Authority: RCW 28A.150.290(2) and 2001 c 7 § 514(12). 02-15-023, § 392-140-974, filed 7/9/02, effective 8/9/02.]

Chapter 392-141 WAC

TRANSPORTATION—STATE ALLOCATION FOR OPERATIONS

WAC

392-141-105	Authority.
392-141-110	Purpose.
392-141-115	Definition—Eligible student.
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392-141-130	Definition—Standard student mile allocation rate.
392-141-135	Definition—Prorated bus.
392-141-140	Definition—Radius mile.
392-141-146	Definition—Basic transportation.
392-141-147	Definition—Basic shuttle transportation.
392-141-148	Definition—Special transportation.
392-141-150	Definition—Midday transportation.
392-141-152	Definition—Combined transportation route.
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392-141-156	Definition—District car allocation rate.
392-141-157	Definition—District.
392-141-158	Definition—Minimum load factor.
392-141-159	Definition—Choice program transportation.
392-141-160	District reporting and recordkeeping requirements.
392-141-165	Adjustment of state allocation during year.
392-141-170	Factors used to determine allocation.
392-141-180	Limitations on the allocation for transportation between schools and learning centers.
392-141-185	Operation allocation computation.
392-141-190	Authorization and limitation on district payments for individual and in-lieu transportation arrangements.
392-141-195	Allocation schedule for state payments.
392-141-200	Recovery of transportation funds.
392-141-205	Choice low-income criteria.
392-141-210	Choice program transportation eligibility for reimbursement.
392-141-215	Choice calculation of payment.
392-141-220	Choice reimbursement limitations.
392-141-225	Choice method of payment.
392-141-230	Choice appropriation limitation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-141-005	Purposes. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-005, filed 4/15/80; Order 7-75, § 392-141-005, filed 12/22/75.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
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392-141-007	Definitions. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-007, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-008	Additional definitions. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-008, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-010	School districts—General authority to provide transportation. [Order 7-75, § 392-141-010, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-015	Transportation routes. [Order 7-75, § 392-141-015, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-017	Reimbursable and nonreimbursable transportation. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-017, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-018	Transportation arrangements that are eligible for state reimbursement—Rates of reimbursement. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-018, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-020	Cost reimbursement. [Order 7-75, § 392-141-020, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-025	District records required. [Order 14-76, § 392-141-025, filed 12/21/76; Order 7-75, § 392-141-025, filed 12/22/75. Formerly WAC 392-27-010.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-027	School bus routes limitations. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-027, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-028	Annual application for approval for transportation reimbursement—Approval process. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-028, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-030	Approval of transportation routes—Limitation. [Order 14-76, § 392-141-030, filed 12/21/76; Order 7-75, § 392-141-030, filed 12/22/75. Formerly WAC 392-27-020 (part), 392-27-030 (part) and 392-27-031 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-035	Application for approval and apportionment for transportation within the "two mile limit." [Order 7-75, § 392-141-035, filed 12/22/75. Formerly WAC 392-20-020 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-037	Application for approval for transportation within the "two-mile limit"—Measurement of "two-mile limit." [Statutory Authority: RCW 28A.41.170. 81-19-009 (Order 81-22), § 392-141-037, filed 9/4/81. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-037, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-038	Contents of applications for state transportation reimbursement—Mileage records. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-038, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-040	Route approval process. [Order 7-75, § 392-141-040, filed 12/22/75. Formerly WAC 392-27-020 (part), 392-27-030 (part) and 392-27-031 (part).] Repealed by 80-

- 09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-042 Deviations from approved transportation arrangements. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-042, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-043 Record requirements. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-043, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-045 Purchase of school buses—State allowance for depreciation. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-045, filed 4/15/80; Order 7-75, § 392-141-045, filed 12/22/75. Formerly WAC 392-27-040 (part), 392-27-045 (part) and 392-27-050 (part).] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
- 392-141-050 Transportation equipment reserve. [Order 7-75, § 392-141-050, filed 12/22/75. Formerly WAC 392-27-040 (part), 392-27-045 (part) and 392-27-050 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-054 Transportation equipment reserve. [Statutory Authority: RCW 28A.41.170. 81-19-010 (Order 81-23), § 392-141-054, filed 9/4/81. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-12-030 (Order 80-33), § 392-141-054, filed 8/28/80.] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
- 392-141-055 Depreciation schedule—School buses. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-055, filed 4/15/80; Order 7-75, § 392-141-055, filed 12/22/75. Formerly WAC 392-27-100.] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
- 392-141-060 Additional depreciation for rebuilt district-owned buses. [Order 14-76, § 392-141-060, filed 12/21/76; Order 7-75, § 392-141-060, filed 12/22/75. Formerly WAC 392-27-110.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-061 Additional depreciation for rebuilt district-owned buses. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-12-030 (Order 80-33), § 392-141-061, filed 8/28/80.] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
- 392-141-125 Definition—Hazardous walking conditions. [Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-125, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-125, filed 7/11/84.] Repealed by 96-16-010 and 96-18-014 (Order 96-09), filed 7/25/96 and 8/22/96, effective 8/25/96 and 9/22/96. Statutory Authority: 1996 c 279 and RCW 28A.150.290.
- 392-141-145 Definition—Small fleet maintenance allocation rate. [Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-145, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-145, filed 7/11/84.] Repealed by 95-18-050 (Order 95-04), filed 8/30/95, effective 9/30/95. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290.
- 392-141-151 Definition—Good faith efforts. [Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-151, filed 8/30/95, effective 9/30/95.] Repealed by 96-16-010 (Order 96-09), filed 7/25/96, effective 8/25/96. Statutory Authority: 1996 c 279 and RCW 28A.150.290.
- 392-141-175 Hazardous walking conditions. [Statutory Authority: RCW 28A.150.290. 94-17-058, § 392-141-175, filed 8/12/94, effective 9/12/94; 92-08-024 (Order 92-03), § 392-141-175, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-175, filed 7/11/84.] Repealed by 96-16-010 and 96-18-014 (Order 96-09), filed 7/25/96 and

8/22/96, effective 8/25/96 and 9/22/96. Statutory Authority: 1996 c 279 and RCW 28A.150.290.

392-141-176

Alleviating hazardous walking conditions. [Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-176, filed 8/30/95, effective 9/30/95.] Repealed by 96-16-010 and 96-18-014 (Order 96-09), filed 7/25/96 and 8/22/96, effective 8/25/96 and 9/22/96. Statutory Authority: 1996 c 279 and RCW 28A.150.290.

WAC 392-141-105 Authority. The authority for this chapter is RCW 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of chapter 28A.150 RCW, which includes student transportation programs, and RCW 28A.160.030, which includes individual and in-lieu transportation arrangements.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-105, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-141-105, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-105, filed 7/11/84.]

WAC 392-141-110 Purpose. The purpose of this chapter is to establish and implement policies and procedures for the allocation of pupil transportation operation funds.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-110, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-110, filed 7/11/84.]

WAC 392-141-115 Definition—Eligible student. As used in this chapter, "eligible student" means any student served by a school district transportation program either by bus, district car, or individual arrangements meeting one or more of the following criteria:

(1) Students whose route stop is more than one radius mile from the student's destination school site or learning center; or

(2) Students whose handicap is defined by RCW 28A.155.020 and who is either not ambulatory or capable of protecting his or her own welfare while traveling to or from schools or agencies where special education services are provided and whose route stop is one radius mile or less from the destination school site or learning center.

[Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-115, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-115, filed 8/30/95, effective 9/30/95. Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-115, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-141-115, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-115, filed 7/11/84.]

WAC 392-141-120 Definition—To and from school. As used in this chapter, "to and from school" means all transportation between route stops, schools, and learning centers both before and after school.

Transportation not authorized for state allocations under this definition shall include, but not be limited to, transportation designed exclusively for extended day, field trips, and extracurricular activities.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-120, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-120, filed 7/11/84.]

WAC 392-141-130 Definition—Standard student mile allocation rate. As used in this chapter, "standard student mile allocation rate" means the monetary amount per weighted unit established by the legislature pursuant to the appropriations act in effect at the time the operations allocation is paid.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-130, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-130, filed 7/11/84.]

WAC 392-141-135 Definition—Prorated bus. As used in this chapter, "prorated bus" means a whole or fractional bus calculated by dividing the total number of all basic or special to and from routes by the total of all basic and special routes combined for each individual bus.

[Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-135, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-135, filed 8/30/95, effective 9/30/95. Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-135, filed 3/23/92, effective 4/23/92.]

WAC 392-141-140 Definition—Radius mile. As used in this chapter, "radius mile" means the straight line distance representing one mile measured between any two points.

[Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-140, filed 7/25/96, effective 8/25/96. Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-140, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-140, filed 7/11/84.]

WAC 392-141-146 Definition—Basic transportation. As used in this chapter, "basic transportation" means students transported from home to school for their basic education and classified as either basic, transit tripper, in-lieu, private party contract or pass or token transportation. Basic transportation shall include those students who qualify under RCW 28A.155.020 for special services and are capable of protecting his or her own welfare while traveling to or from schools or agencies where special education services are provided and those students who are qualified for gifted, bilingual, and homeless programs that do not require special transportation.

[Statutory Authority: RCW 28A.150.290. 98-17-007 (Order 98-08), § 392-141-146, filed 8/7/98, effective 9/7/98; 92-08-024 (Order 92-03), § 392-141-146, filed 3/23/92, effective 4/23/92.]

WAC 392-141-147 Definition—Basic shuttle transportation. As used in this chapter, "basic shuttle transportation" means students transported between schools and learning centers or to other schools or learning centers in other districts pursuant to interdistrict agreements during the regular school day.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-147, filed 3/23/92, effective 4/23/92.]

WAC 392-141-148 Definition—Special transportation. As used in this chapter, "special transportation" means students transported from home to school for special education programs pursuant to chapter 28A.155 RCW and who are either not ambulatory or capable of protecting his or her own welfare while traveling to or from schools or agencies where special education services are provided. Also included

are students who require special transportation to special education, gifted, bilingual, or homeless programs located outside their basic transportation service area or at an alternative program time.

[Statutory Authority: RCW 28A.150.290. 98-17-007 (Order 98-08), § 392-141-148, filed 8/7/98, effective 9/7/98; 92-20-063 (Order 92-12), § 392-141-148, filed 10/2/92, effective 11/2/92; 92-08-024 (Order 92-03), § 392-141-148, filed 3/23/92, effective 4/23/92.]

WAC 392-141-150 Definition—Midday transportation. As used in this chapter, "midday transportation" means a separate route exclusively used for kindergarten and/or basic preschool students, except special education students, that is operated to or from home and between the beginning and end of the regular school day.

[Statutory Authority: RCW 28A.150.290. 98-17-007 (Order 98-08), § 392-141-150, filed 8/7/98, effective 9/7/98; 92-08-024 (Order 92-03), § 392-141-150, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-150, filed 7/11/84.]

WAC 392-141-152 Definition—Combined transportation route. As used in this chapter, "combined transportation route" means a special transportation route as defined in WAC 392-141-148 on which a student or students, who would otherwise qualify for basic transportation as defined in WAC 392-141-146, are allowed to ride. The number of basic transportation students allowed on a designated combined route shall not exceed thirty percent of the actual number of seating positions on a type A school bus, twenty percent of the actual number of seating positions on a type B school bus, or ten percent of the actual number of seating positions on a type C or D school bus used on the combined route. If the total number of seating positions multiplied by the appropriate percentage results in a fractional number of students, the result shall be rounded to the next highest whole number.

[Statutory Authority: RCW 28A.150.290. 98-17-007 (Order 98-08), § 392-141-152, filed 8/7/98, effective 9/7/98.]

WAC 392-141-155 Definition—Weighted student unit. As used in this chapter, "weighted student unit" means the numeric value assigned to each student based upon the radius mile interval in which each student's route stop is located; except the one radius mile or less basic, transit tripper and midday kindergarten students.

[Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-155, filed 7/25/96, effective 8/25/96. Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-155, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-155, filed 7/11/84.]

WAC 392-141-156 Definition—District car allocation rate. As used in this chapter, "district car allocation rate" means the per mile increment rate, established by legislative budget process, which allows for the operation and depreciation allocation of school district-owned passenger cars when used to transport students to and from school.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-156, filed 3/23/92, effective 4/23/92.]

WAC 392-141-157 Definition—District. As used in this chapter, "district" means either individual school district(s) or educational service district(s).

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-157, filed 3/23/92, effective 4/23/92.]

WAC 392-141-158 Definition—Minimum load factor. As used in this chapter, "minimum load factor" means a numeric value derived to achieve efficient average bus loads of at least seventy-four students.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-158, filed 3/23/92, effective 4/23/92.]

WAC 392-141-159 Definition—Choice program transportation. As used in this chapter, "choice program transportation" means, pursuant to RCW 28A.225.220 through 28A.225.320, 28A.230.090(8), 28A.175.090, and State Operating Appropriations Act, funding is provided for reimbursement of transportation costs for students participating in choice who are from low-income families and who are not otherwise transported by a school district.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-159, filed 10/2/92, effective 11/2/92.]

WAC 392-141-160 District reporting and record-keeping requirements. Annual or supplementary reports shall be submitted by each school district to the superintendent of public instruction prior to the third Monday in October. This report shall reflect to the extent practical the planned pupil transportation program for the entire school year and which is in operation during ridership count week. Reports shall be submitted with a cover letter signed by the chief school district administrator attesting to the completeness of the requirements below and the accuracy of the data contained therein. The superintendent of public instruction shall have the authority to make modifications or adjustments in accordance with the intent of RCW 28A.160.150, 28A.160.160, and 28A.160.170. Each district shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations. These reports shall be maintained for a period of three school years or until audited and include the following but are not limited to:

(1) School bus route logs completed in ink by bus drivers for five consecutive days. These logs shall include state school bus numbers, each bus stop, the number of students boarding the bus at each stop, and destination schools, transfer points, learning centers, or agencies; and

(2) The number of kindergarten through fifth grade students enrolled during ridership count week and living one radius mile or less from their destination school; and

(3) Other operational data and descriptions, as required by the superintendent of public instruction to determine operation allocation requirements for each district; and

(4) An annual school bus mileage report including the beginning and ending year odometer reading, the total miles for each bus for the school year, an estimate of to and from school mileage for the upcoming school year, and miles for extended day routes, field trips, extracurricular, and other contractual uses of school buses; and

(5) Copies of any and all correspondence, publications, news articles, or campaign materials which encourage ridership during count week of the report that is beyond the normal activity experienced during the school year. School dis-

tricts shall not utilize incentive programs that provide tangible gifts to reward increases in ridership counts.

School districts shall maintain at least a weekly one-day route log containing the school bus driver's name, state bus number, route number, route type, day of the week, beginning and ending odometer readings, destinations, destination times and student counts. These route logs shall be maintained in the school district files for a period of three years or until audited.

[Statutory Authority: RCW 28A.150.290. 98-17-007 (Order 98-08), § 392-141-160, filed 8/7/98, effective 9/7/98. Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-160, filed 7/25/96, effective 8/25/96. Statutory Authority: RCW 28A.150.290. 94-17-058, § 392-141-160, filed 8/12/94, effective 9/12/94; 92-08-024 (Order 92-03), § 392-141-160, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-160, filed 7/11/84.]

WAC 392-141-165 Adjustment of state allocation during year. Districts may be eligible for an additional allocation under the following conditions:

(1) The number of eligible students transported increases ten percent or more from the number in the October report set forth in WAC 392-141-160(1) for twenty consecutive days;

(2) Revised reports for the twenty consecutive school days shall be consistent with WAC 392-141-160;

(3) The revised report shall document the first date that the ten percent increase occurred and the termination date of activities; and

(4) Any adjusted allocation is subject to available appropriation authority and such adjustment shall not be made until the appropriate apportionment cycle for that school year.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-165, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-165, filed 7/11/84.]

WAC 392-141-170 Factors used to determine allocation. The method of determining the transportation operation allocation for each district shall be based on the following factors:

(1) The number of eligible students transported as defined in WAC 392-141-115;

(2) The radius mile distances from route stops to the destination schools, transfer route stops, learning centers, or agencies;

(3) A basic or special transportation distance weighting factor per radius mile interval as listed below:

Distance Weighting Factors Per Radius Miles		
Miles	Basic	Special
1	2.85	4.75
2	3.20	4.89
3	3.55	5.05
4	3.90	5.19
5	4.25	5.34
6	4.60	5.49
7	4.97	5.64
8	5.30	5.78
9	5.65	5.94
10	6.00	6.08
11	6.36	6.23
12	6.71	6.38
13	7.07	6.53

Distance Weighting Factors Per Radius Miles			Special Average Load		Factor
Miles	Basic	Special	From	To	
14	7.43	6.67	9.00	9.24	8.05
15	7.79	6.83	9.25	9.49	7.87
16	8.13	6.97	9.50	9.74	7.69
17 and over	8.50	7.13	9.75	9.99	7.50
(4) The basic average load which is calculated by dividing the total number of basic and transit tripper students by the total number of prorated basic buses;			10.00	10.49	7.32
(5) A minimum load factor for districts with a basic average load of less than seventy-four students transported per bus for all home to school routes, except routes designed exclusively for handicapped or kindergarten students. This factor is calculated by dividing the whole number seventy-four by the basic average load and subtracting the whole number one;			10.50	10.99	7.02
(6) The special education average load is derived by dividing the total number of home to school special education students by the total number of special education prorated buses;			11.00	11.49	6.72
(7) The number of kindergarten through fifth grade students enrolled during the five consecutive day count and living one radius mile or less from their destination school; and			11.50	11.99	6.47
(8) A special education load factor is based on the special education average load. To determine the special education load factor, use the following chart:			12.00	12.49	6.22
			12.50	12.99	6.01
			13.00	13.49	5.80
			13.50	13.99	5.62
			14.00	14.49	5.43
			14.50	14.99	5.28
			15.00	15.54	5.12
			15.55	16.54	4.85
			16.55	17.54	4.61
			17.55	18.54	4.39
			18.55	19.54	4.20
			19.55	20.54	4.03
			20.55	21.54	3.87
			21.55	22.54	3.69
			22.55	23.54	3.53
			23.55	24.54	3.38
			24.55	25.54	3.25
			25.55	26.54	3.12
			26.55	27.54	3.01
			27.55	28.54	2.90
			28.55	29.54	2.80
			29.55	30.54	2.70
			30.55	31.54	2.61
			31.55	32.54	2.54
			32.55	33.54	2.46
			33.55	34.54	2.38
			34.55	35.54	2.32
			35.55	36.54	2.25
			36.55	37.54	2.20
			37.55	38.54	2.13
			38.55	39.54	2.07
			39.55	40.54	2.03
			40.55	41.54	1.98
			41.55	42.54	1.93
			42.55	43.54	1.89
			43.55	44.54	1.84
			44.55	45.54	1.80
			45.55	46.54	1.76
			46.55	47.54	1.72
			47.55	48.54	1.69
			48.55	49.54	1.66
			49.55	50.54	1.62
			50.55	51.54	1.59
			51.55	52.54	1.56
			52.55	53.54	1.52
			53.55	54.54	1.50
			54.55	55.54	1.47
			55.55	56.54	1.45
			56.55	57.54	1.41
			57.55	58.54	1.39
			58.55	59.54	1.37

Special Average Load		Factor
From	To	
59.55	60.54	1.35
60.55	61.54	1.33
61.55	62.54	1.30
62.55	63.54	1.28
63.55	64.54	1.26
64.55	65.54	1.24
65.55	66.54	1.23
66.55	67.54	1.21
67.55	68.54	1.18
68.55	69.54	1.17
69.55	70.54	1.15
70.55	71.54	1.14
71.55	72.54	1.12
72.55	73.54	1.11
73.55	74.00	1.10
74.01+		1.00

[Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-170, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-170, filed 8/30/95, effective 9/30/95. Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-170, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-170, filed 7/11/84.]

WAC 392-141-180 Limitations on the allocation for transportation between schools and learning centers. Funding for transportation between schools and learning centers shall be subject to the following conditions:

(1) The instruction at the learning center site shall be scheduled for at least one hundred forty-four school days within an annual term and meet the requirements established in any of the following statutes:

- (a) Chapter 28A.230 RCW;
- (b) Chapter 28A.155 RCW;
- (c) RCW 28A.165.010 through 28A.165.080;
- (d) RCW 28A.150.200; and
- (e) RCW 28A.180.010 through 28A.180.080;

(2) The transportation between schools and learning centers shall be scheduled for at least one hundred forty-four school days within an annual term; and

(3) The limitations imposed by this section shall not apply to midday transportation or transportation of special education, gifted, or bilingual students between schools and agencies less frequently than four days a week.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-180, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-141-180, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-180, filed 7/11/84.]

WAC 392-141-185 Operation allocation computation. The computation of the transportation operation allocation shall be as follows:

(1) All basic and transit tripper students defined in WAC 392-141-115 who are transported to school shall be measured by radius mile intervals between the bus route stop and the destination sites in accordance with WAC 392-141-170(3) and multiplied by two to yield the round trip totals in each distance interval;

(2) All midday students defined in WAC 392-141-115 and basic shuttle students transported shall be measured by radius mile intervals between the bus route stop and the destination school in accordance with WAC 392-141-170(3);

(3) The total students in subsections (1) and (2) of this section in each distance interval, multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the weighted student units in each distance interval. Midday transportation students whose schedule is one day per week shall have the weighted student units multiplied by twenty percent;

(4) The district's minimum load factor, if applicable, is calculated pursuant to WAC 392-141-170(5). This factor is multiplied by the total weighted student units generated by basic and tripper students. This total is the additional weighted units attributable to the district's small average bus load;

(5) The sum of the cumulative weighted student units calculated in subsections (3) and (4) of this section, if applicable, equals the total basic transportation weighted units;

(6) The basic allocation is the total basic transportation weighted units calculated in subsection (5) of this section multiplied by the standard student mile allocation rate;

(7) All special students defined in RCW 28A.155.020 transported on special transportation bus routes to school or agencies for related services shall be measured by radius mile intervals between their bus route stops and destinations sites in accordance with WAC 392-141-170(3) and multiplied by two to yield the round trip total in each distance interval;

(8) All special shuttle students transported between schools or agencies less frequently than five days a week shall be measured by radius mile intervals between the bus route stop and destination sites in accordance with WAC 392-141-170(3);

(9) The total students in subsections (7) and (8) of this section in each distance interval multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the weighted student units in each distance interval. Special shuttle transportation whose schedule is less than five days a week shall have the weighted units multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%
4	100%

(10) The district's special transportation load factor, if applicable, is calculated pursuant to WAC 392-141-170. The factor is multiplied by the total weighted student units generated by special students (not special shuttle students);

(11) The weighted student units calculated in subsections (9) and (10) of this section, if applicable, equals the total special transportation weighted units;

(12) The special allocation is the total special transportation weighted units calculated in subsection (11) of this section, multiplied by the standard student mile allocation rate;

(13) The one radius mile allocation for basic trippers and midday kindergarten students shall be calculated by the number of kindergarten through fifth grade students enrolled dur-

ing the five consecutive day count week and living one radius mile or less from their enrollment school less kindergarten through fifth grade special education students living and transported within one mile, multiplied by the allocation rate, and further multiplied by a factor established by the Biennial Appropriations Act;

(14) The district car allocation is computed for each vehicle and then totaled to equal the district car allocation. The computation is based on one hundred eighty days and fifty mile increments multiplied by the appropriate district car operation and depreciation rates published by the superintendent of public instruction. All vehicles traveling over two hundred fifty miles receive only the depreciation rate for miles in excess of two hundred fifty for the one hundred eighty day period;

(15) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), (12), (13) and (14) of this section;

(16) The allocation for kindergarten through fifth grade students living one radius mile or less from their school of enrollment may be used for transporting students, funding crossing guards or local and the state matching funds for capital projects. Projects managed by the federal government are ineligible;

(17) When a district submits a revised report pursuant to WAC 392-141-165, to the extent funds are available, the district's operation allocation shall be recalculated. Any increase in operations allocations shall be prorated for the remainder of the annual school term or until termination of activities before the end of the scheduled school term. The date that the district documents first meeting the ten percent increase in eligible students transported shall be used to prorate any increase in annual transportation operation allocations.

[Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-185, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-185, filed 8/30/95, effective 9/30/95. Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-185, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-141-185, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-185, filed 7/11/84.]

WAC 392-141-190 Authorization and limitation on district payments for individual and in-lieu transportation arrangements. Districts may commit to individual transportation or in-lieu arrangements consistent with this section, subject to the approval by the educational service district superintendent or his or her designee. The following arrangements and limitations shall apply:

(1) A district shall contract with the custodial parent, parents, guardian(s), person(s) in loco parentis, or adult student(s) to pay the lesser of the following in-lieu-of transportation by the school district:

(a) Mileage and tolls for transportation to and from school for not more than two necessary round trips per school day; or

(b) Mileage and tolls for transportation to and from school for not more than five round trips per school year, plus room and board.

(2) The in-lieu-of transportation mileage, tolls and board and room rates of reimbursement which a school district is hereby authorized to pay shall be computed as follows:

(a) Mileage reimbursement shall be computed by multiplying the distance to and from school with any type of transportation vehicle that is operated for the purpose of carrying one or more students by the maximum rate of reimbursement per mile that is now or hereafter authorized by law for state employees for the use of private motor vehicles in connection with state business;

(b) Toll reimbursement shall be computed by adding the actual fees paid as a condition to the passage of a transportation vehicle and its student passengers or its operator, or both, across a bridge or upon a ferry, and similar fees imposed as a condition to the passage, ingress, or egress of such vehicle and its student passengers or its operator, or both, while traveling to and from school; and

(c) Board and room reimbursement shall be computed at the rates now or hereafter established by the department of social and health services and set forth in chapter 388-70 WAC (inclusive of the basic rates and, in the case of handicapped students, the additional amounts for students with special needs, but exclusive of any rates or amounts for clothing and supplies).

[Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-190, filed 7/11/84.]

WAC 392-141-195 Allocation schedule for state payments. The superintendent of public instruction shall apportion the transportation operation allocation pursuant to the schedule in RCW 28A.510.250. Such allocation shall be based on estimated amounts for payments made in September, October, November, December, and January. The superintendent shall notify each school district of the pupil transportation operation allocation before January 15 of the current school year.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-195, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-141-195, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-195, filed 7/11/84.]

WAC 392-141-200 Recovery of transportation funds. The superintendent of public instruction shall recover (take back) state pupil transportation allocations that are not expended for the allowable pupil transportation program costs. Effective for the 2000-01 school year and thereafter, the amount of the recovery shall be calculated as follows:

(1) Determine the district's state allocation for pupil transportation—operations for the school year.

(2) Determine the district's allowable pupil transportation costs as follows:

(a) Sum the following amounts:

(i) The school district's direct expenditures for general fund program 99 pupil transportation, and for educational service district pupil transportation operations expenditures in program 70 transportation excluding expenditures associated with the regional coordinator and bus driver training grants;

(ii) Allowable indirect charges equal to expenditures calculated pursuant to (a)(i) of this subsection times the percentage calculated pursuant to subsection (4) of this section;

(iii) For school districts, transfers into the transportation vehicle fund for the school year as reported on the district's

annual financial statement, Form F-196; and for educational service districts, state pupil transportation operating revenues that are expended or reserved for transportation equipment;

(b) Subtract the school district's revenues for the school year for revenue account 7199 transportation revenues from other school districts.

(3) If the allowable program costs are less than the state allocation, OSPI shall recover the difference.

(4) Allowable indirect charges for pupil transportation are nine percent for educational service districts and for school districts the percentage calculated from the school district's annual financial statement (Report F-196) for two school years prior as follows:

(a) Divide direct expenditures for program 97 district-wide support by

(b) Total general fund direct expenditures for all programs minus direct expenditures for program 97 districtwide support; and

(c) Round to three decimal places.

[Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 512. 02-04-023, § 392-141-200, filed 1/24/02, effective 1/24/02. Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-200, filed 3/23/92, effective 4/23/92.]

WAC 392-141-205 Choice low-income criteria. For the purpose of reimbursement of transportation costs regarding choice, low-income criteria shall be the same as that referenced in WAC 392-100-100 through 392-100-102. Gross income used to determine eligibility shall be for the most recent twelve months.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-205, filed 10/2/92, effective 11/2/92.]

WAC 392-141-210 Choice program transportation eligibility for reimbursement. Parent(s), custodial parent(s), guardian(s), or person(s) in loco parentis who transport students participating in choice and meet the low-income family criteria pursuant to WAC 392-100-100, may be entitled to reimbursement for the transportation of those students.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-210, filed 10/2/92, effective 11/2/92.]

WAC 392-141-215 Choice calculation of payment. Reimbursement shall be computed by multiplying the actual total daily miles to and from school by the rate of reimbursement per mile that is now or hereafter authorized by law for state employees for the use of private motor vehicles in connection with state business.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-215, filed 10/2/92, effective 11/2/92.]

WAC 392-141-220 Choice reimbursement limitations. The calculation of reimbursement payments for mileage shall be made on a per vehicle basis, regardless of the number of occupants, and shall be limited to the most direct route to and from the destination school or bus stop, and to one hundred eighty days per school year. Mileage shall be the actual and reported miles driven, not to exceed more than two round trips per day and shall be limited to one vehicle per family per destination school or school bus stop.

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[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-220, filed 10/2/92, effective 11/2/92.]

WAC 392-141-225 Choice method of payment. The following process shall be followed when applying for transportation reimbursement for choice:

(1) The applicant shall submit documentation and a reimbursement request to the school district at least annually which provides information that the school district can use to determine if the applicant meets low-income criteria and an application which includes, but is not limited to:

(a) The name(s) of students participating and transported;

(b) The actual total daily miles of the transporting vehicle;

(c) The name(s) of the school(s) of attendance;

(d) The number of days transported; and

(e) The signature of the applicant.

(2) The school district where the choice student is participating shall:

(a) Furnish eligible applicants with a school district application form which includes the items in subsection (1) of this section;

(b) Determine if the applicant's application meets the low-income criteria pursuant to WAC 392-100-101;

(c) Observe student confidentiality pursuant to WAC 392-100-102;

(d) Provide the applicant with a school district reimbursement claim form; and

(e) Review and process the claim for reimbursement and provide reimbursement payments.

(3) For state reimbursement purposes, the school district shall submit an invoice and the above stated support documentation to the regional transportation coordinator for review.

(4) The regional transportation coordinator shall:

(a) Review the invoice and documentation submitted by the school district for accuracy and completeness; and

(b) Upon approval, submit the invoice to the superintendent of public instruction for payment.

(5) The superintendent of public instruction shall:

(a) Review the invoice submitted for choice transportation;

(b) Provide reimbursement to the school district as claims are received;

(c) Reimburse for choice transportation through the next monthly apportionment payment; and

(d) Identify reimbursement separate from all other school district transportation program allocations or funds.

(6) The school district shall furnish the superintendent of public instruction an annual report by September 30th of each school year detailing schools of attendance, total vehicles, total miles claimed, total days claimed, and the total amount of the reimbursement for choice transportation.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-225, filed 10/2/92, effective 11/2/92.]

WAC 392-141-230 Choice appropriation limitation. Reimbursement to school districts shall be in accordance with the foregoing procedures until the legislative appropriation for this program is reached. School districts have the

option of terminating their participation in choice transportation when the appropriation limit is reached or may choose to continue the program using local funds.

[Statutory Authority: RCW 28A.150.290, 92-20-063 (Order 92-12), § 392-141-230, filed 10/2/92, effective 11/2/92.]

Chapter 392-142 WAC

TRANSPORTATION—REPLACEMENT AND DEPRECIATION ALLOCATION

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-142-015	Definitions. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-015, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-020	Vehicle categories. [Statutory Authority: RCW 28A.41.170, 84-13-026 (Order 84-16), § 392-142-020, filed 6/13/84; 83-22-031 (Order 83-16), § 392-142-020, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-025	Vehicle category useful life. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-025, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-030	State-determined purchase price. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-030, filed 10/26/83.] Repealed by 90-02-077 (Order

392-142-035	21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-040	Maintenance and operation. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-035, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-045	State payment for school buses. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-040, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-050	School buses prior to September 1, 1982. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-045, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-055	District-owned school bus. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-050, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-060	Contractor-owned school bus. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-055, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-065	School bus inspection. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-060, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-070	School bus operation permit. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-065, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-075	Vehicle transportation fund. [Statutory Authority: RCW 28A.41.170, 83-22-031 (Order 83-16), § 392-142-070, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-080	Definition—Washington state patrol inspection officer. [Statutory Authority: RCW 28A.41.170 and 28A.41.540, 90-02-077 (Order 21), § 392-142-090, filed 1/2/90, effective 2/2/90.] Repealed by 03-13-049, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.150.290.
392-142-085	Definition—Specialized equipment. [Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6), 95-17-011, § 392-142-115, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540, 90-02-077 (Order 21), § 392-142-115, filed 1/2/90, effective 2/2/90.] Repealed by 04-08-116, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 28A.150.290.
392-142-090	Definition—Seating reference point. [Statutory Authority: RCW 28A.41.170 and 28A.41.540, 90-02-077 (Order 21), § 392-142-120, filed 1/2/90, effective 2/2/90.] Repealed by 03-13-049, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.150.290.
392-142-095	Definition—Gasoline engine. [Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6), 95-17-011, § 392-142-130, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540, 90-02-077 (Order 21), § 392-142-130, filed 1/2/90, effective 2/2/90.] Repealed by 04-08-116, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 28A.150.290.
392-142-100	Definition—Diesel engine. [Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6), 95-17-011, § 392-142-135, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540, 90-02-077 (Order 21), § 392-142-135, filed 1/2/90, effective 2/2/90.] Repealed by 04-08-116, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 28A.150.290.
392-142-105	Definition—Transmission. [Statutory Authority: RCW 28A.41.170 and 28A.41.540, 90-02-077 (Order 21), § 392-142-140, filed 1/2/90, effective 2/2/90.] Repealed

- by 03-13-049, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.150.290.
- 392-142-150 Definition—School bus categories for those buses purchased before September 1, 1982, and after September 1, 1975. [Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-150, filed 1/2/90, effective 2/2/90.] Repealed by 03-13-049, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.150.290.
- 392-142-170 Definition—State-determined specialized equipment price. [Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-170, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-170, filed 1/2/90, effective 2/2/90.] Repealed by 03-13-049, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.150.290.
- 392-142-175 Definition—Inflation rate. [Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-175, filed 1/2/90, effective 2/2/90.] Repealed by 95-17-011, filed 8/4/95, effective 9/4/95. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6).
- 392-142-200 Definition—SPI Form 1029. [Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-200, filed 1/2/90, effective 2/2/90.] Repealed by 03-13-049, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.150.290.
- 392-142-215 School bus inspection. [Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-215, filed 1/2/90, effective 2/2/90.] Repealed by 91-23-071 (Order 25), filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
- 392-142-220 School bus operation permit. [Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-220, filed 1/2/90, effective 2/2/90.] Repealed by 91-23-071 (Order 25), filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
- 392-142-230 Calculation of annual state depreciation payment for buses purchased after September 1, 1975, and before September 1, 1982. [Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-230, filed 1/2/90, effective 2/2/90.] Repealed by 03-13-049, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.150.290.
- 392-142-235 Allocation of state depreciation payment for school buses purchased after September 1, 1975, and before September 1, 1982. [Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-142-235, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-235, filed 1/2/90, effective 2/2/90.] Repealed by 03-13-049, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.150.290.

WAC 392-142-005 Authority. The authority for this chapter is RCW 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the proper administration of chapter 28A.160 RCW, which includes state depreciation and replacement payments for school buses as specified in RCW 28A.160.200.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-005, filed 8/4/95, effective 9/4/95. Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-142-005, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-005, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-005, filed 10/26/83.]

WAC 392-142-010 Purpose. The purpose of this chapter is to implement RCW 28A.160.200 by developing:

- (1) Student transportation vehicle categories;
- (2) State-determined purchase prices for student transportation vehicle categories;

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(3) Standards for operation and maintenance of school buses;

(4) A replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses;

(5) A depreciation schedule and allocation process for school buses contracted from private carriers; and

(6) Competitive specifications for each category of school bus.

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-010, filed 6/12/03, effective 7/13/03. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-010, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-010, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-010, filed 10/26/83.]

WAC 392-142-075 Definition—School year. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-075, filed 1/2/90, effective 2/2/90.]

WAC 392-142-080 Definition—Current school year. As used in this chapter, "current school year" means the school year for which the payments to school district calculated pursuant to this chapter are made.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-080, filed 1/2/90, effective 2/2/90.]

WAC 392-142-085 Definition—Prior school year. As used in this chapter, "prior school year" means the school year immediately preceding the current school year.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-085, filed 1/2/90, effective 2/2/90.]

WAC 392-142-095 Definition—State supported competitive specifications. As used in this chapter, "state supported competitive specifications," means the specifications developed pursuant to chapter 392-143 WAC (Transportation—Specifications for school buses) plus added equipment, components, or requirements including supported options determined by the superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, to produce minimum long-range operating costs and to accommodate transportation of students with disabling conditions.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-095, filed 8/4/95, effective 9/4/95. Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-142-095, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-095, filed 1/2/90, effective 2/2/90.]

WAC 392-142-100 Definition—School bus. As used in this chapter, "school bus" means a vehicle:

(1) With a seating capacity of more than ten persons including the driver;

(2) Used for transportation of students to and from school or in connection with school activities; and

(3) That meets the requirement set forth in chapter 392-143 WAC (Transportation—Specifications for school buses).

[Title 392 WAC—p. 191]

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-100, filed 1/2/90, effective 2/2/90.]

WAC 392-142-105 Definition—District-owned school bus. As used in this chapter, "district-owned school bus" means a school bus which has been purchased by the district or a school bus which is being operated by a district under a contractual obligation by the same district to purchase the bus.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-105, filed 1/2/90, effective 2/2/90.]

WAC 392-142-110 Definition—Contractor-owned school bus. As used in this chapter, "contractor-owned school bus" means a school bus owned by a private party and used pursuant to a contract for transportation of students at the direction of a school district.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-110, filed 1/2/90, effective 2/2/90.]

WAC 392-142-125 Definition—Student capacity. As used in this chapter, "student capacity" means the number of students designated by the school bus manufacturer that can be seated on a school bus if the vehicle had a maximum complement of seats.

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-125, filed 6/12/03, effective 7/13/03. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-125, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-125, filed 1/2/90, effective 2/2/90.]

WAC 392-142-145 Definition—Useful life. As used in this chapter, "useful life" means the number of years that a school bus is expected to be in use as assigned to the category of school bus by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-145, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-145, filed 1/2/90, effective 2/2/90.]

WAC 392-142-155 Definition—School bus categories. As used in this chapter, "school bus categories" means those school bus categories determined annually by the superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, including student capacity, fuel type, and useful life. The superintendent, in consultation with the regional transportation coordinators shall determine placement of buses into specific categories and lifetimes for those types of buses no longer available.

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-155, filed 6/12/03, effective 7/13/03; 01-17-005, § 392-142-155, filed 8/1/01, effective 9/1/01; 97-17-042 (Order 97-02), § 392-142-155, filed 8/14/97, effective 9/15/97. Statutory Authority: 1996 c 283. 96-16-011 (Order 96-10), § 392-142-155, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-155, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 91-23-071 (Order 25), § 392-142-155, filed 11/19/91, effective 12/20/91; 90-02-077 (Order 21), § 392-142-155, filed 1/2/90, effective 2/2/90.]

[Title 392 WAC—p. 192]

WAC 392-142-160 Definition—Vendor bid proposal.

As used in this chapter, "vendor bid proposal" means a set of forms published annually by the superintendent of public instruction which school districts use to obtain bids for school buses. These forms shall include various bid elements such as type, capacity, engine and transmission.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-160, filed 1/2/90, effective 2/2/90.]

WAC 392-142-162 Definition—Competitive price quote. As used in this chapter, "competitive price quote" means a sealed price quotation for school buses obtained from school bus dealers by using a modified "vendor bid proposal" form supplied by the superintendent of public instruction.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-162, filed 8/4/95, effective 9/4/95.]

WAC 392-142-163 Definition—School bus dealer. As used in this chapter, "school bus dealer" means any firm or person that meets all necessary requirements to sell motor vehicles (school buses) in Washington state and are properly licensed as prescribed by all applicable agencies to sell school buses to school districts in the state of Washington.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-163, filed 8/4/95, effective 9/4/95.]

WAC 392-142-165 Definition—State-determined purchase price. As used in this chapter, "state-determined purchase price" means the state replacement or depreciation rate for school buses which shall be based upon the lowest competitive price quote received from school bus dealers for each category of school bus, documented in modified vendor bid proposals associated with meeting state-supported competitive specifications.

Included in the lowest competitive price quote are:

- (1) Freight to the school district; and
- (2) Cost associated with full payment within thirty days of delivery.

Sales tax is not included as a part of establishing the lowest price quote. Sales tax shall be included in the state-determined purchase price at the highest rate that could be charged to any school district in the state when purchasing a school bus as provided annually by the department of revenue.

[Statutory Authority: RCW 28A.150.290. 04-08-116, § 392-142-165, filed 4/6/04, effective 5/7/04; 03-13-049, § 392-142-165, filed 6/12/03, effective 7/13/03. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-165, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 91-23-071 (Order 25), § 392-142-165, filed 11/19/91, effective 12/20/91; 90-02-077 (Order 21), § 392-142-165, filed 1/2/90, effective 2/2/90.]

WAC 392-142-171 Definition—System price. The system price of an individual school bus is the price used to calculate the replacement system payment in a given school year.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-171, filed 9/16/05, effective 10/17/05.]

WAC 392-142-172 Definition—Average price. The average price for an individual school bus is calculated by adding the current year state-determined purchase price to the total of the previous four years' state-determined purchase prices and dividing by five. School bus categories no longer available or no longer supported use the historic prices for those categories in years when such bus categories were available or supported.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-172, filed 9/16/05, effective 10/17/05.]

WAC 392-142-174 Definition—Weighting factor. The weighting factor for an individual school bus is calculated by subtracting the 2005 average price from the 2005 state-determined purchase price and dividing by two.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-174, filed 9/16/05, effective 10/17/05.]

WAC 392-142-176 Definition—2005 weighted price. The 2005 weighted price for an individual school bus is calculated by adding the weighting factor to the 2005 average price.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-176, filed 9/16/05, effective 10/17/05.]

WAC 392-142-178 Definition—2006 weighted price. The 2006 weighted price for an individual school bus is calculated by adding one half the weighting factor to the 2005 system price.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-178, filed 9/16/05, effective 10/17/05.]

WAC 392-142-180 Definition—Total school bus replacement payments. As used in this chapter, "total school bus replacement payments" means the sum of all state school bus replacement payments for prior school years made for an individual school bus.

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-180, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-180, filed 1/2/90, effective 2/2/90.]

WAC 392-142-185 Definition—Assumed interest earnings. As used in this chapter, "assumed interest earnings" means the sum of interest which is assumed to be earned on moneys assumed to be available in the transportation vehicle fund from state payments and accumulated interest earnings. The rate used shall be the average of the treasury bill rate for ninety-day notes during the previous state fiscal year calculated on the basis of simple interest.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-185, filed 9/16/05, effective 10/17/05; 03-13-049, § 392-142-185, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-185, filed 1/2/90, effective 2/2/90.]

WAC 392-142-190 Definition—Salvage value. As used in this chapter, for those school buses purchased after September 1, 1982, "salvage value" means the state-determined purchase price for the year the school bus was placed on the state replacement schedule divided by the useful life and multiplied by twenty-five percent.

(2007 Ed.)

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-190, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-190, filed 1/2/90, effective 2/2/90.]

WAC 392-142-195 Definition—SPI Form 1020. As used in this chapter, "SPI Form 1020" means that form prepared and distributed by the superintendent of public instruction and used by school districts to notify the superintendent of public instruction of the acquisition or disposition of a school bus.

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-195, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-195, filed 1/2/90, effective 2/2/90.]

WAC 392-142-205 Determination of school bus categories by the superintendent of public instruction. The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall annually establish a minimum number of school bus categories considering student capacity and type. The superintendent of public instruction will provide a public hearing for interested parties prior to the adoption of any change in school bus categories.

[Statutory Authority: RCW 28A.150.290. 04-08-116, § 392-142-205, filed 4/6/04, effective 5/7/04. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-205, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-205, filed 1/2/90, effective 2/2/90.]

WAC 392-142-210 State-determined purchase prices by the superintendent of public instruction. The superintendent of public instruction shall annually develop state-determined purchase prices for each school bus category applicable to the current school year. The state-determined purchase price shall be derived from competitive price quotes obtained annually by September 1 and a sales tax calculation as described in WAC 392-142-165. The state-determined purchase price shall be determined from the lowest price quote obtained in a sealed bid from school bus dealers for each category. The lowest price quote in each category shall be valid for one school year.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-210, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-210, filed 1/2/90, effective 2/2/90.]

WAC 392-142-212 Obtaining competitive price quotes. The superintendent of public instruction shall annually request competitive price quotations from school bus dealers for state-supported specifications for all school bus categories. The lowest price quote will be determined using only the base quote price as stated for the state-supported base bus without options. The request for price quotes will at least include:

(1) A modified vendor bid proposal for one representative state-supported school bus in each category as defined in WAC 392-142-155.

(a) A list of selected state-supported specifications; and

(b) A list of vendor options which may be purchased at the school district's discretion and expense.

(2) A requirement that each school bus dealer submit a statement of assurance that school districts may purchase school buses at the quoted price for a period of one year.

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-212, filed 6/12/03, effective 7/13/03. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-212, filed 8/4/95, effective 9/4/95.]

WAC 392-142-213 Purchase of school buses by school districts. (1) School districts may purchase school buses directly from any school bus dealer who has provided an accepted price quote in each school bus category without regard to RCW 28A.335.190.

(2) School districts that do not purchase school buses in accordance with subsection (1) of this section may conduct their own competitive bid process in accordance with RCW 28A.335.190. School districts that choose to conduct their own bid shall:

(a) Use vendor bid proposal forms provided by the superintendent of public instruction.

(b) Prepare a summary of all bids received for retention in school district files and submission to the superintendent of public instruction.

(3) School buses which have been acquired by school districts or educational service districts, in accordance with subsection (1) or (2) of this section, are entitled to reimbursement payments for school bus replacement in accordance with this chapter.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-213, filed 9/16/05, effective 10/17/05; 03-13-049, § 392-142-213, filed 6/12/03, effective 7/13/03. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-213, filed 8/4/95, effective 9/4/95.]

WAC 392-142-225 Placement of used school buses on state replacement or depreciation schedules. A used school bus shall be placed on the state replacement or depreciation schedule as if it had been issued a school bus operation permit on the first of September in the year of manufacture, including an estimate by the superintendent of public instruction of:

(1) Prior school years total state replacement or depreciation payments;

(2) Assumed interest earnings (if purchased by a school district); and

(3) Salvage value (if purchased by a school district).

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-225, filed 9/16/05, effective 10/17/05; 03-13-049, § 392-142-225, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-225, filed 1/2/90, effective 2/2/90.]

WAC 392-142-231 Calculation of system price. The system price of a school bus shall be calculated as following:

(1) For the 2005-06 school year, the system price for an individual school bus shall be determined by selecting the first condition that applies, as follows:

(a) If a school bus is in its final year on the replacement system, the system price is the state-determined purchase price.

(b) If the average price for the school bus is greater or equal to the 2004 or the 2005 state-determined purchase price, the system price is the average price.

(c) If the average price for the school bus is less than the 2004 state-determined purchase price, the system price is the 2005 weighted price.

(d) If the 2005 weighted price for the school bus is less than the 2004 actual price, the system price is the 2004 actual price.

(2) For the 2006-07 school year, the system price for an individual school bus shall be determined by selecting the first statement that applies, as follows:

(a) If a school bus is in its final year on the replacement system, the system price is the actual price.

(b) If the 2005 system price for the bus was the 2005 average price, the 2006 system price is the 2006 average price.

(c) If the 2006 average price for the school bus is greater or equal to the 2005 system price, the system price is the 2006 average price.

(d) If the 2006 average price for the school bus is less than the 2005 system price, the system price is the 2006 weighted price.

(3) Effective September 1, 2007, the system price for an individual school bus is the state-determined purchase price if a school bus is in its final year on the replacement system. For a school bus not in its final year on the replacement system, the system price is the average price.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-231, filed 9/16/05, effective 10/17/05.]

WAC 392-142-240 Calculation of annual state replacement payment for district-owned school buses. The superintendent of public instruction shall calculate each school district's annual state replacement payment for district-owned school buses as follows:

(1) For district-owned school buses issued a school bus operation permit prior to the fifteenth of any month of the current school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Divide the system price by the useful lifetime in months as determined in (a) of this subsection; and

(c) Multiply the result obtained in (b) of this subsection by the number of months remaining in the school year.

(2) For school buses issued a school bus operation permit prior to the current school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Divide the system price by the useful lifetime in months determined in (a) of this subsection;

(c) Multiply the result obtained in (b) of this subsection by the total number of months the school bus has been on the replacement schedule including the months for the current school year;

(d) Subtract from the result obtained in (c) of this subsection the total school bus replacement payments made in prior school years;

(e) Subtract from the result obtained in (c) of this subsection the assumed interest earnings; and

(f) Subtract from the result obtained in (e) of this subsection the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-240, filed 9/16/05, effective 10/17/05; 03-13-049, § 392-142-240, filed 6/12/03, effective 7/13/03. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-240, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.150.290 and 28A.160-130-200. 93-13-083 (Order 93-10), § 392-142-240, filed 6/18/93, effective 7/19/93. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-240, filed 1/2/90, effective 2/2/90.]

WAC 392-142-245 Calculation of annual state depreciation payment for contractor-owned school buses. The superintendent of public instruction shall calculate each school district's state depreciation payment for contractor-owned school buses as follows:

(1) For contractor-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year:

(a) Place each bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Divide the state determined purchase price by the useful lifetime in months determined in (a) of this subsection; and

(c) Multiply the result obtained in (b) of this subsection by the number of months remaining in the school year.

(2) For contractor-owned school buses issued a school bus operation permit in a prior school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Divide the state-determined purchase price at the time the school bus was purchased by the useful lifetime in months for the appropriate school bus category set forth in WAC 392-142-155;

(c) Calculate the total number of months the bus is eligible for depreciation payment in the current school year; and

(d) Multiply the amount calculated in (b) of this subsection by the number of months calculated in (c) of this subsection.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-245, filed 9/16/05, effective 10/17/05; 03-13-049, § 392-142-245, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-245, filed 1/2/90, effective 2/2/90.]

WAC 392-142-250 Allocation of state replacement or depreciation payment. The superintendent of public instruction shall apportion school bus replacement or depreciation payments each school year calculated as follows:

(1) For school district-owned vehicles:

(a) The September apportionment payment for those school buses issued school bus operating permits in prior school years; or

(b) The first apportionment payment after the issuance of the school bus operating permit for school buses purchased in the current school year; or

(2) For contractor-owned vehicles: According to the schedule set forth in RCW 28A.510.250.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-250, filed 9/16/05, effective 10/17/05; 03-13-049, § 392-142-250, filed 6/12/03, effective 7/13/03. Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-142-250, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW (2007 Ed.)

28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-250, filed 1/2/90, effective 2/2/90.]

WAC 392-142-255 Deposit of payments in transportation vehicle fund. School districts shall deposit proceeds for the rent, sale, or lease of school buses and replacement payments for school district-owned vehicles in the transportation vehicle fund. School districts shall not deposit school bus depreciation payments for contractor-owned vehicles in the transportation vehicle fund. For school buses placed on the reimbursement system between September 1, 1975, and August 31, 1980, the superintendent of public instruction shall recover ninety percent of the net proceeds of the sale of such vehicles by deduction from the next annual reimbursement allocation. For school buses placed on the reimbursement system between September 1, 1980, and August 31, 1982, the superintendent of public instruction shall recover one hundred percent of the net proceeds of the sale of such vehicles by deduction from the next annual reimbursement allocation.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-255, filed 9/16/05, effective 10/17/05; 03-13-049, § 392-142-255, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-255, filed 1/2/90, effective 2/2/90.]

WAC 392-142-260 Allowable uses of transportation vehicle fund. School districts shall use moneys in the transportation vehicle fund for the following purposes:

(1) The purchase of school buses;

(2) Performing major repairs of a school bus receiving prior approval by the superintendent of public instruction. Repairs costing less than twenty-five percent of the current state determined purchase price for that type and category of vehicle shall not be considered a major repair.

(3) The transfer of moneys from the transportation vehicle fund to the debt service fund exclusively for the payment of debt and interest incurred by the transportation vehicle fund shall not be considered to be a transfer of moneys from the transportation vehicle fund to any other fund within the meaning of RCW 28A.160.130.

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-260, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 91-23-071 (Order 25), § 392-142-260, filed 11/19/91, effective 12/20/91. Statutory Authority: Chapter 28A.530 and HB 1224. 91-23-042 (Order 21), § 392-142-260, filed 11/14/91, effective 12/15/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-260, filed 1/2/90, effective 2/2/90.]

WAC 392-142-265 Maintenance and operation. (1)

To the extent possible, school districts shall operate vehicles not less than the number of years of useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

(2) A school bus that continues to possess a valid operation permit and operates its useful vehicle life shall be considered to be properly maintained in accordance with general accepted maintenance and operation standards. A school bus which does not operate its useful vehicle life shall be considered as not being properly maintained in accordance with generally accepted maintenance and operation standards unless proven otherwise by the school district. Prima facie evidence of such proof shall include unforeseen events which

shorten the useful vehicle life, including but not limited to, fire, flood, explosion, storm, earthquake, or volcanic eruption.

(3) If a district fails to follow generally accepted standards of maintenance and operation or disposes of a bus prior to the end of its useful life time, the superintendent of public instruction shall discontinue reimbursement system payments, including recovering the prorated amount of the current year payment according to the number of months in the current year the bus was not operated.

[Statutory Authority: RCW 28A.150.290. 05-19-072, § 392-142-265, filed 9/16/05, effective 10/17/05. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-265, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-265, filed 1/2/90, effective 2/2/90.]

WAC 392-142-270 Disposition of school buses. Each school district shall notify the superintendent of public instruction of the disposition of a school bus on SPI Form 1020 within thirty days of this action.

[Statutory Authority: RCW 28A.150.290. 03-13-049, § 392-142-270, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-270, filed 1/2/90, effective 2/2/90.]

Chapter 392-143 WAC

TRANSPORTATION—SPECIFICATIONS FOR SCHOOL BUSES

WAC

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392-143-040	Other required inspections of school buses.
392-143-050	Resold school buses.
392-143-055	Responsibility for compliance with school bus specification rules.
392-143-060	School bus specifications continued compliance.
392-143-070	Other vehicles used to transport students.
392-143-080	Signs and markings for school buses—Exterior—Interior.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-143-020	Compliance with federal motor vehicle safety standards. [Order 7-75, § 392-143-020, filed 12/22/75. Formerly WAC 392-21-130 and 392-21-135.] Repealed by 83-21-025 (Order 83-13), filed 10/10/83. Statutory Authority: RCW 46.61.380.
392-143-045	Appeal for exception school bus. [Order 19-76, § 392-143-045, filed 12/31/76; Order 7-75, § 392-143-045, filed 12/22/75. Formerly WAC 392-21-145.] Repealed by 79-12-005 (Order 9-79), filed 11/9/79. Statutory Authority: RCW 46.61.380.
392-143-061	School bus hazard warning lamps and stop lamps. [Statutory Authority: RCW 46.61.380. 90-22-043 (Order 38), § 392-143-061, filed 11/2/90, effective 12/3/90.] Repealed by 04-08-117, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.61.380.
392-143-065	School bus tires. [Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-065, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-065, filed 10/10/83; Order 8-77, § 392-143-065, filed 10/11/77, effective 11/11/77.] Repealed by 04-08-117, filed

4/6/04, effective 5/7/04. Statutory Authority: RCW 46.61.380.

392-143-075

Amendment and waiver process. [Statutory Authority: RCW 46.61.380. 79-12-005 (Order 9-79), § 392-143-075, filed 11/9/79; Order 8-77, § 392-143-075, filed 10/11/77, effective 11/11/77.] Repealed by 83-21-025 (Order 83-13), filed 10/10/83. Statutory Authority: RCW 46.61.380.

WAC 392-143-001 Authority. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to govern the design, marking, and mode of operation of all school buses transporting common school students.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-001, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-001, filed 10/10/83.]

WAC 392-143-005 Purpose. The purpose of this chapter is to implement RCW 46.61.380 by establishing the specifications governing the design and marking of all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of common school students. The provisions of this chapter shall be incorporated by express reference into all school district contracts for the transportation of common school students in privately owned and operated school buses.

[Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-005, filed 10/10/83; 79-12-005 (Order 9-79), § 392-143-005, filed 11/9/79; Order 7-75, § 392-143-005, filed 12/22/75. Formerly WAC 392-21-100.]

WAC 392-143-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "School bus" means every vehicle with a seating capacity of more than ten persons including the driver regularly used to transport students to and from school or in connection with school activities.

(2) "School bus specifications manual" means that manual published and distributed to each school district by the superintendent of public instruction.

(3) "School bus operation permit" means that form issued by the superintendent of public instruction to an individual school district or educational service district, which is required prior to the use of any school bus for the transportation of any common school students.

(4) "Inspection officer" means an employee of the Washington state patrol trained and designated by the chief of the Washington state patrol to inspect school buses.

(5) "SPI Form 1028" means that form prepared and distributed by the superintendent of public instruction upon which the inspection officer indicates that the school bus has been inspected and approved, for used buses previously inspected by the Washington state patrol.

(6) "SPI Form 1029" means that form prepared and distributed by the superintendent of public instruction upon which the inspection officer indicates that the school bus has been inspected and approved upon initial purchase, used buses not previously inspected by the Washington state patrol, and buses which have been repowered or which have undergone rehabilitation or modification repair.

[Statutory Authority: RCW 46.61.380. 04-08-117, § 392-143-010, filed 4/6/04, effective 5/7/04; 01-17-006, § 392-143-010, filed 8/1/01, effective 9/1/01; 96-16-012 (Order 96-11), § 392-143-010, filed 7/25/96, effective 8/25/96; 84-20-081 (Order 84-39), § 392-143-010, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-010, filed 10/10/83; 79-12-005 (Order 9-79), § 392-143-010, filed 11/9/79; Order 8-77, § 392-143-010, filed 10/11/77, effective 11/11/77; Order 19-76, § 392-143-010, filed 12/31/76; Order 7-75, § 392-143-010, filed 12/22/75. Formerly WAC 392-21-110.]

WAC 392-143-015 School bus specifications manual.

The school bus specifications manual shall incorporate all specifications required by the federal department of transportation motor vehicle safety standards and govern the specifications for all school buses. The manual is hereby incorporated into this chapter by reference. Prior to any revision of the school bus specification manual, the superintendent of public instruction shall serve notice to interested parties and shall hold at least one public hearing.

[Statutory Authority: RCW 46.61.380. 04-08-117, § 392-143-015, filed 4/6/04, effective 5/7/04; 84-20-081 (Order 84-39), § 392-143-015, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-015, filed 10/10/83; Order 7-75, § 392-143-015, filed 12/22/75.]

WAC 392-143-025 Additional local specifications.

Any school district board of directors may adopt and require such additional school bus specifications as it deems necessary.

[Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-025, filed 10/10/83; Order 7-75, § 392-143-025, filed 12/22/75. Formerly WAC 392-21-105.]

WAC 392-143-030 School buses—Permit and license. If a school bus is approved in compliance with WAC 392-143-031 and the school district has met requirements of WAC 392-143-032, the superintendent of public instruction shall send three copies of the school bus operation permit to the appropriate school district. The original shall be retained by the school district; one copy shall be placed in the permit holder in the school bus; and one copy shall be presented to the county auditor, along with the operator's application for an exempt state license for the bus if applicable. County auditors shall not issue an exempt license for the bus unless a school bus operation permit accompanies the application for a license.

[Statutory Authority: RCW 46.61.380. 04-08-117, § 392-143-030, filed 4/6/04, effective 5/7/04; 91-23-069 (Order 22), § 392-143-030, filed 11/19/91, effective 11/19/91; 84-20-081 (Order 84-39), § 392-143-030, filed 10/2/84; 84-03-001 (Order 84-1), § 392-143-030, filed 1/5/84; 83-21-025 (Order 83-13), § 392-143-030, filed 10/10/83; Order 7-75, § 392-143-030, filed 12/22/75. Formerly WAC 392-21-115.]

WAC 392-143-031 School bus inspection—School bus operation permit. All school buses must be inspected and approved by a Washington state patrol inspection officer prior to initial issue or reissue of a school bus operation permit. Effective December 31, 2004, no school bus operation permit shall be valid for any school bus which does not meet Federal Motor Vehicle Safety Standards adopted April 1, 1977.

[Statutory Authority: RCW 46.61.380. 04-08-117, § 392-143-031, filed 4/6/04, effective 5/7/04; 91-23-069 (Order 22), § 392-143-031, filed 11/19/91, effective 11/19/91.]

(2007 Ed.)

WAC 392-143-032 School bus operation permit. The superintendent of public instruction shall issue school bus operation permits as follows:

(1) School buses owned or operated by a public school shall be issued a school bus operation permit on receipt of the following properly executed documents for each new school bus or used school bus not previously issued a school bus operation permit in Washington state:

(a) Original SPI Form 1020, School Bus Acquisition/Disposition Report;

(b) Copy of the sellers invoice or bill of sale;

(c) Copy of complete set of the successful vendor's bid specifications;

(d) Copy of each warrant issued in full payment of the bus or each warrant issued in part payment of the bus, if any, and, copy of the conditional sales contract, lease purchase agreement, or other evidence of contractual liability;

(e) Original weight slip for the vehicle; and

(f) Original SPI Form 1029, Initial School Bus Inspection.

(2) School buses owned by a private contractor and operated under contract to a public school shall be issued a school bus operation permit on receipt of the following properly executed documents for each new school bus or used school bus not previously issued a school bus operation permit in Washington state:

(a) Original SPI Form 1020A, School Bus Acquisition Report;

(b) Original weight slip for the vehicle; and

(c) Original SPI Form 1029, Initial School Bus Inspection.

(3) A school bus operation permit shall be reissued on receipt of the following properly executed documents for school buses previously licensed in Washington state: Provided, That no school bus operation permit shall be reissued to any school bus which does not meet Federal Motor Vehicle Safety Standards adopted April 1, 1977:

(a) Original SPI Form 1020A, School Bus Acquisition Report, from the school district acquiring the school bus;

(b) Original SPI Form 1020B, School Bus Disposition Report, from the school district disposing of the school bus, with existing school bus operating permit attached;

(c) Copy of SPI Form 1028, Routine School Bus Inspection, properly authenticated as the inspection report from the most recent annual one hundred percent fleet inspection, which inspection was made within twelve months prior to the date of acquisition;

(d) For school district owned or operated buses, a seller invoice or bill of sale; and

(e) A copy of the warrant issued in payment of the purchase of the bus.

[Statutory Authority: RCW 46.61.380. 04-08-117, § 392-143-032, filed 4/6/04, effective 5/7/04; 91-23-069 (Order 22), § 392-143-032, filed 11/19/91, effective 11/19/91.]

WAC 392-143-035 Routine inspection of school buses. All school buses shall be inspected annually by the Washington state patrol. Inspection dates and centers shall be determined by the superintendent of public instruction and the chief of the state patrol. School districts shall be notified by the chief of the state patrol prior to each annual inspection

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of the time and place of inspection. School buses not presented for inspection at the time and place scheduled by the chief of the state patrol shall not be operated as a school bus unless the requirement is temporarily waived in writing by the chief of the state patrol or until the school bus has passed a required inspection. A second inspection of at least twenty-five percent of each school district's fleet shall be conducted annually by the Washington state patrol. This second inspection shall be unannounced and the inspection team shall select which buses in the fleet it will inspect. These unannounced inspections shall be scheduled so that they do not disrupt the regular transportation program.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-035, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-035, filed 10/10/83; 81-19-011 (Order 81-24), § 392-143-035, filed 9/4/81; Order 7-75, § 392-143-035, filed 12/22/75. Formerly WAC 392-21-120.]

WAC 392-143-040 Other required inspections of school buses. All school buses which have been rebuilt, have received a major modification, have received a major repair, or have received an interior renovation or refurbishment shall be inspected prior to transporting students in accordance with the following criteria:

(1) A rebuilt school bus: For the purpose of this section, a rebuilt school bus shall fully comply with all current Washington specifications at the time the school bus is rebuilt and shall be inspected in accordance with WAC 392-143-030.

(2) A school bus receiving a major modification: For the purpose of this section, school bus modifications (e.g., hydraulic lift and/or ramp for wheelchairs) shall meet all current state of Washington specifications at the time the major modification is made and shall be inspected in accordance with WAC 392-143-030.

(3) A school bus receiving a major repair (not routine maintenance): For the purpose of this section, a school bus that has received repairs to or rebuilding of the frame, steering, suspension, or braking systems or has been repowered shall be identified as needing inspection. Any repairs made shall meet or exceed Washington specifications in effect at the time of the original manufacturing date of the bus and shall be inspected in the same manner as a new school bus with emphasis on mechanical safety items.

(4) A school bus receiving an interior renovation or refurbishment (not routine seat repair): For the purpose of this section, a school bus that has received an interior renovation or refurbishment shall be identified as needing inspection. Renovation or refurbishment of interiors shall meet the Federal Motor Vehicle Safety Standard (FMVSS) 222 and shall be inspected in the same manner as a new school bus with respect to FMVSS 222.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-040, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-040, filed 10/10/83; Order 8-77, § 392-143-040, filed 10/11/77, effective 11/11/77; Order 7-75, § 392-143-040, filed 12/22/75. Formerly WAC 392-21-125.]

WAC 392-143-050 Resold school buses. A school district which sells a school bus to anyone other than another school district shall be responsible for removing the school district's name and number and all lettering and markings identifying the vehicle as a school bus prior to its delivery to the purchaser. However, if the district sells the school bus to

a private party who certifies in writing that the school bus shall be used as a private carrier bus, the district need not remove the four or eight light warning system and stop signal arm.

[Statutory Authority: RCW 46.61.380. 04-08-117, § 392-143-050, filed 4/6/04, effective 5/7/04; 84-20-081 (Order 84-39), § 392-143-050, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-050, filed 10/10/83; Order 7-75, § 392-143-050, filed 12/22/75. Formerly WAC 392-21-150.]

WAC 392-143-055 Responsibility for compliance with school bus specification rules. The responsibility for compliance with this chapter lies with the board of directors of each school district. Failure to comply with this chapter shall constitute cause for the withholding of state transportation funds for such time and to such extent as is necessary to ensure compliance.

[Order 7-75, § 392-143-055, filed 12/22/75. Formerly WAC 392-21-155.]

WAC 392-143-060 School bus specifications continued compliance. School districts shall maintain all school buses in such condition that they shall continue to meet or exceed Washington state specifications in effect when the bus was manufactured, except as such standards or specifications are subsequently repealed or reduced.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-060, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-060, filed 10/10/83; Order 8-77, § 392-143-060, filed 10/11/77, effective 11/11/77.]

WAC 392-143-070 Other vehicles used to transport students. All vehicles with a seating capacity including the driver of ten persons or less shall not be required to meet school bus specifications. Such vehicles regularly used to transport students to and from school or in connection with school activities shall carry the approved school bus first-aid kit, fire extinguisher, and highway warning kit. These vehicles also shall pass a safety inspection routinely conducted at the intervals outlined in WAC 392-143-035.

Students, while being transported in any vehicle not required to meet school bus specifications but used for to and from school transportation and to and from school activities transportation, shall share the same compartment and shall be provided the same general safety and comfort as the driver.

All vehicles used to transport students with a manufacturer rated seating capacity including the driver greater than ten persons shall be required to meet school bus specifications.

[Statutory Authority: RCW 46.61.380. 04-08-117, § 392-143-070, filed 4/6/04, effective 5/7/04; 84-20-081 (Order 84-39), § 392-143-070, filed 10/2/84; 84-03-001 (Order 84-1), § 392-143-070, filed 1/5/84; 83-21-025 (Order 83-13), § 392-143-070, filed 10/10/83; 79-12-005 (Order 9-79), § 392-143-070, filed 11/9/79; Order 8-77, § 392-143-070, filed 10/11/77, effective 11/11/77.]

WAC 392-143-080 Signs and markings for school buses—Exterior—Interior. Signs and markings on the exterior of any school bus shall be limited to the requirements of RCW 46.61.380, the requirements of the school bus specifications manual for school buses addressing "identification" and "color," the minimum requirements of "Highway Safety Program Standard No. 17," and any applicable Federal Motor Vehicle Safety Standard (FMVSS).

Signs and markings on the interior of any bus shall be limited to necessary and/or required manufacturers' equipment and/or component identification and instruction, and the requirements of the school bus specifications manual.

[Statutory Authority: RCW 46.61.380, 04-08-117, § 392-143-080, filed 4/6/04, effective 5/7/04; 02-20-031, § 392-143-080, filed 9/23/02, effective 10/24/02; 91-23-069 (Order 22), § 392-143-080, filed 11/19/91, effective 11/19/91.]

Chapter 392-144 WAC SCHOOL BUS DRIVER QUALIFICATIONS

WAC

392-144-005	Purpose and authority.
392-144-010	Chapter requirements—Employment.
392-144-020	Definitions.
392-144-030	Training and qualifications of school bus driver instructors—Administration.
392-144-040	Application to contractors.
392-144-101	Initial requirements for school bus drivers.
392-144-102	Continuing requirements for authorized school bus drivers.
392-144-103	Disqualifying conditions for authorized school bus drivers.
392-144-110	Temporary authorizations—Requirements and issuing procedures.
392-144-120	School bus driver authorization—Requirements and issuing procedures.
392-144-130	Discipline—Grounds for denial, suspension, or revocation of authorization—Emergency suspension—Appeals—Adjudicative proceedings.
392-144-140	School bus driver—Reporting.
392-144-150	School district—Reporting.
392-144-160	School district—Verification of driver's continuing compliance.

WAC 392-144-005 Purpose and authority. (1) The purpose of this chapter is to set the minimum standards and qualifications for public school district employees and contractors operating school buses for the transportation of school children.

(2) The authority for this chapter is RCW 28A.160.210.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, recodified as § 392-144-005, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 02-18-055, § 180-20-005, filed 8/28/02, effective 9/28/02; 93-08-007, § 180-20-005, filed 3/24/93, effective 4/24/93.]

WAC 392-144-010 Chapter requirements—Employment. The requirements in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of such drivers.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, recodified as § 392-144-010, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 02-18-055, § 180-20-007, filed 8/28/02, effective 9/28/02.]

WAC 392-144-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "School bus driver" means a person, who is employed by a school district including contracted drivers under WAC 392-144-040 (1) and (2) and as part of that employment or contract, operates a school bus as defined in WAC 392-143-010, or other motor vehicles for the regularly scheduled transportation of students between home and school. School buses shall be operated by authorized school bus drivers when transporting students. An authorized school

bus driver may also transport students on field trips and other school related activities.

(2) "A school bus driver's authorization" means an authorization issued by the superintendent of public instruction indicating that the person has met the requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and/or school activities. A school bus driver must be authorized prior to transporting students and such authorization shall continue in effect as long as the person continues to meet the requirements of this chapter. A school bus driver authorization is not valid if suspended, revoked or lapsed.

(3) "School bus driver instructor's authorization" means an authorization issued by the superintendent of public instruction to a person successfully completing the superintendent of public instruction approved school bus driver instructor course. This authorization qualifies a person to train and verify the training of school bus drivers. This authorization shall lapse unless the holder successfully completes an annual school bus driver instructor's in-service course.

(4) "School bus driver training course" means a course established by the superintendent of public instruction and taught by an authorized school bus driver instructor. This course shall be successfully completed by all applicants for a school bus driver's authorization.

(5) "School bus driver annual in-service training course" means an annual course taught by an authorized school bus driver instructor. The content and minimum time requirements of such course shall be annually determined by the superintendent of public instruction and shall be required to be completed no earlier than August 1st and no later than November 1st by all authorized school bus drivers.

(6) "School bus driver instructor's course" means a training program authorized by the superintendent of public instruction to qualify a person as a school bus driver instructor.

(7) "School bus driver instructor's annual in-service course" means an annual required course, the content of which shall be determined by the superintendent of public instruction. Successful completion of this course prevents the instructor's authorization from lapsing.

(8) "Serious behavioral problem" includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student. It does not include the orderly exercise during off-duty hours of any rights guaranteed under the law to citizens generally, except where such conduct indicates a safety risk for the transportation of students.

(9) "Medical examiner's certificate" means a written verification of passing a medical examination in accordance with the standards established in 49 CFR 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. School bus drivers must provide verification of passing a medical examination at a minimum of every twenty-four months. School bus drivers must continue to meet these medical requirements during the time between examinations. This requirement does not prevent a school district from requesting a more frequent examination.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, amended and recodified as § 392-144-020, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 05-19-107, § 180-20-009, filed 9/20/05, effective 10/21/05; 04-08-055, § 180-20-009, filed 4/2/04, effective 5/3/04; 02-18-055, § 180-20-009, filed 8/28/02, effective 9/28/02.]

WAC 392-144-030 Training and qualifications of school bus driver instructors—Administration. The superintendent of public instruction shall determine the qualifications necessary for applicants for the school bus driver instructor course and qualifications necessary for continuation of the school bus driver instructor authorization. Each school bus driver instructor shall verify annually that they continue to meet said qualifications. Intentional falsification of school bus driver training records shall result in permanent revocation of the school bus driver instructor authorization. In the case of denial of authorization or disqualification, the superintendent of public instruction shall provide an appeal process consistent with the provisions of this chapter.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, amended and recodified as § 392-144-030, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 05-19-107, § 180-20-021, filed 9/20/05, effective 10/21/05; 04-08-055, § 180-20-021, filed 4/2/04, effective 5/3/04.]

WAC 392-144-040 Application to contractors. (1) Every contract between a school district and a private school bus contractor for pupil transportation services shall provide for compliance with the requirements of this chapter and establish the responsibility of the contractor or school district, or both, to assure compliance with such requirements.

(2) Each driver employed by a private school bus contractor under contract with a school district to provide pupil transportation services shall meet the requirements of this chapter, and shall be subject to the denial, suspension, and revocation of authority to operate a motor vehicle under this chapter.

(3) Every contract between a school district and a charter bus carrier or excursion carrier, or subcontracted carrier shall require a carrier profile report indicating a satisfactory rating from the Washington utilities and transportation commission before any service is provided. No driver under this subsection shall have unsupervised access to children. Supervision of children under this subsection shall be provided by a responsible employee of the school district.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, recodified as § 392-144-040, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 02-18-055, § 180-20-031, filed 8/28/02, effective 9/28/02; 93-08-007, § 180-20-031, filed 3/24/93, effective 4/24/93.]

WAC 392-144-101 Initial requirements for school bus drivers. Every authorized school bus driver must meet the following initial requirements:

- (1) Be at least twenty-one years of age.
- (2) Have at least one year of experience as a driver of a truck or commercial vehicle requiring a special endorsement or, in the alternative, at least three years of experience as a driver of a passenger vehicle.
- (3) Submit to a criminal record check according to chapter 28A.400 RCW which shows that no offenses have been committed which would be grounds for denial of an authorization.

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(4) Satisfactorily complete a school bus driver training course.

(5) Meet all applicable continuing school bus driver requirements in WAC 392-144-102.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, amended and recodified as § 392-144-101, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 05-19-107, § 180-20-101, filed 9/20/05, effective 10/21/05; 05-08-014, § 180-20-101, filed 3/28/05, effective 4/28/05; 04-08-055, § 180-20-101, filed 4/2/04, effective 5/3/04; 02-18-055, § 180-20-101, filed 8/28/02, effective 9/28/02; 99-08-004, § 180-20-101, filed 3/25/99, effective 4/25/99; 96-20-042, § 180-20-101, filed 9/24/96, effective 10/25/96; 93-08-007, § 180-20-101, filed 3/24/93, effective 4/24/93.]

WAC 392-144-102 Continuing requirements for authorized school bus drivers. Every authorized school bus driver must continue to meet the following requirements:

(1) Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.

(2) Satisfactorily complete the annual school bus driver in-service training course.

(3) Hold a current and valid first-aid card which certifies that the applicant has completed a course in first aid.

(4) Submit annually to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial, suspension, or revocation of authorization under WAC 392-144-103.

(5) Every authorized school bus driver must continue to meet the following physical requirements:

(a) Is physically able to maneuver and control a school bus under all driving conditions; and

(b) Is physically able to use all controls and equipment found on state minimum specified school buses; and

(c) Is physically able to perform daily routine school bus vehicle safety inspections; and

(d) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds; and

(e) Provide verification of holding a current and valid medical examiner's certificate.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, amended and recodified as § 392-144-102, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 05-19-107, § 180-20-102, filed 9/20/05, effective 10/21/05.]

WAC 392-144-103 Disqualifying conditions for authorized school bus drivers. A school bus driver's authorization will be denied or revoked as a result of the following conditions:

(1) Misrepresenting or concealing a material fact in obtaining a school bus driver's authorization or in reinstatement thereof in the previous five years.

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(2) Having a driving license privilege suspended or revoked as a result of a moving violation as defined in WAC 308-104-160 within the preceding five years or have had their commercial driver's license disqualified, suspended, or revoked within the preceding five years; a certified copy of the disqualification, suspension, or revocation order issued by the department of licensing being conclusive evidence of the disqualification, suspension, or revocation.

(3) Incurring three or more speeding tickets of ten miles per hour or more over the speed limit within the last five years.

(4) Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a lapsed, suspended, surrendered, or revoked school bus driver's authorization in a position for which authorization is required under this chapter.

(5) Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a suspended or revoked driver's license or a suspended, disqualified or revoked commercial driver's license.

(6) Having refused to take a drug or alcohol test as required by the provisions of 49 CFR 382 within the preceding five years. Provided, That this requirement shall not apply to any refusal to take a drug or alcohol test prior to January 31, 2005.

(7) Having a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, school bus drivers, or other coworkers.

(8) Having been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or *nolo contendere* is the basis for the conviction) or being under a deferred prosecution under chapter 10.05 RCW where the conduct or alleged conduct is related to the occupation of a school bus driver, including, but not limited to, the following:

(a) The physical neglect of a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW;

(c) The sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses where a child is the victim under chapter 9A.44 RCW;

(e) The promotion of prostitution of a child under chapter 9A.88 RCW;

(f) The sale or purchase of a child under RCW 9A.64.030;

(g) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription drug within the last ten years;

(h) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault or vehicular homicide, within the last five years;

(i) Provided, That the general classes of felony crimes referenced within this subsection shall include equivalent federal crimes and crimes committed in other states;

(j) Provided further, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;

(k) Provided further, That for the purpose of this subsection "conviction" shall include a guilty plea.

(9) Having been convicted of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver, the following and any other relevant considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as an authorized school bus driver within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness;

(h) If this subsection is applied to a person currently authorized as a school bus driver in a suspension or revocation action, the effect on the school bus driving profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or authorized school bus driver has the duty to provide available evidence relative to the above considerations. The superintendent of public instruction has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or authorized school bus driver.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906, 06-15-010, amended and recodified as § 392-144-103, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210, 06-01-039, § 180-20-103, filed 12/15/05, effective 1/15/06; 05-19-107, § 180-20-103, filed 9/20/05, effective 10/21/05.]

WAC 392-144-110 Temporary authorizations—Requirements and issuing procedures. (1) A temporary school bus driver authorization may be issued by the superintendent of public instruction upon application by an authorized representative of the employing school district when the following has been provided:

(a) Verification of successful completion of the school bus driver training course.

(b) Verification that it has on file a copy of a current and valid medical examiner's certificate.

(c) Verification that it has on file a current five-year complete driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record issued by the department of licensing verifying compliance with all provisions of this chapter. The issue date of

this abstract must be within sixty calendar days prior to the date the application is being submitted for temporary authorization.

(d) Verification that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC 392-144-103 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(e) Verification that it has requested a criminal record check as required under chapter 28A.400 RCW and the date of such request.

(f) Verification that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the education welfare or personal safety of students, teachers, bus drivers, or other colleagues.

(g) Verification that the applicant complies with all of the requirements for authorized school bus drivers set forth in this chapter except for a first-aid card and/or the results of a criminal record check.

(2) Upon approval of the temporary authorization, notice will be provided to the employing school district.

(3) The temporary authorization shall be valid for a period of sixty calendar days. The temporary authorization may be renewed by approval of the regional transportation coordinator when the results of the criminal background check have not been received.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906, 06-15-010, amended and recodified as § 392-144-110, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210, 05-19-107, § 180-20-111, filed 9/20/05, effective 10/21/05; 04-08-055, § 180-20-111, filed 4/2/04, effective 5/3/04; 02-18-055, § 180-20-111, filed 8/28/02, effective 9/28/02; 99-08-004, § 180-20-111, filed 3/25/99, effective 4/25/99; 96-20-042, § 180-20-111, filed 9/24/96, effective 10/25/96; 93-08-007, § 180-20-111, filed 3/24/93, effective 4/24/93.]

WAC 392-144-120 School bus driver authorization—Requirements and issuing procedures. A school bus driver authorization may be issued by the superintendent of public instruction upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(1) The employing school district shall forward to the superintendent of public instruction the following verifications relating to the applicant:

(a) Verification of successful completion of the school bus driver training course taught by an authorized school bus driver instructor.

(b) Verification that it has on file a copy of a current and valid medical examiner's certificate.

(c) Verification that it has on file a current five-year complete driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving

record issued by the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days prior to the date an application was submitted for temporary authorization. If no request for a temporary school bus authorization was submitted, the issue date must be within sixty calendar days prior to the date of application of the school bus driver authorization.

(d) Verification that the applicant has a current and valid first-aid card.

(e) Verification that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC 392-144-103 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(f) Verification that it has on file the results of a criminal record check as required under chapter 28A.400 RCW and that such results establish that the applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking an authorization under this chapter and the date of such request.

(g) Verification that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the educational welfare or personal safety of students, teachers, school bus drivers, or other colleagues.

(h) Verification that the applicant complies with all of the requirements for authorized school bus drivers set forth in this chapter.

(2) Upon approval of an application, the superintendent of public instruction shall issue a notice of school bus driver authorization to the employing school district.

(3) Subsequent authorizations for an individual driver with new or additional employing school districts must be issued from the superintendent of public instruction to such districts prior to the operation of any motor vehicle for the transportation of children.

(4) The superintendent of public instruction will provide each school district with a list of their authorized school bus drivers and each authorized school bus driver's status.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906, 06-15-010, amended and recodified as § 392-144-120, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210, 05-19-107, § 180-20-112, filed 9/20/05, effective 10/21/05.]

WAC 392-144-130 Discipline—Grounds for denial, suspension, or revocation of authorization—Emergency suspension—Appeals—Adjudicative proceedings. (1) A request for an authorization may be denied or an authorization issued under this chapter may be suspended or revoked for failure to meet any of the minimum requirements set forth in WAC 392-144-101 and 392-144-102 or for disqualifying

conditions set forth in WAC 392-144-103, established by a preponderance of the evidence.

(2) Conduct, which by a preponderance of the evidence, amounts to a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, school bus drivers, or other colleagues is grounds for denial, suspension, or revocation whether or not the conduct constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to denial, suspension, or revocation action. Upon such conviction, however, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3)(a) Any person in treatment for alcohol or other drug misuse shall have his or her authorization suspended until treatment is satisfactorily completed and the completion is confirmed by a state-approved alcohol or drug treatment program at which time the authorization will be reinstated.

(b) In all cases of deferred prosecution under chapter 10.05 RCW, the authorization shall be suspended until the court confirms successful completion of the court approved treatment program at which time the authorization will be reinstated.

(4) Emergency suspension. If the superintendent of public instruction finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of an authorization may be ordered pending proceedings for revocation or other action. In such cases, the superintendent of public instruction shall expedite all due process actions as quickly as possible.

(5)(a) Appeals and adjudicative proceedings. Any person desiring to appeal a denial, suspension, or revocation of a school bus driver authorization may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494, and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(b) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

(c) The superintendent of public instruction may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(d) Any person who disagrees with the school district's determination of failure to meet any school bus driver authorization qualifications may request that the school district forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction shall grant, deny, suspend, or revoke the authorization.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, amended and recodified as § 392-144-130, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 05-19-107, § 180-20-120, filed 9/20/05, effective 10/21/05; 02-18-055, § 180-20-120, filed 8/28/02, effective 9/28/02; 99-08-004, § 180-20-120, filed 3/25/99, effective 4/25/99; 96-20-042, § 180-20-120, filed 9/24/96, effective 10/25/96; 93-08-007, § 180-20-120, filed 3/24/93, effective 4/24/93.]

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WAC 392-144-140 School bus driver—Reporting.

(1) Every person authorized under this chapter to operate a motor vehicle to transport children shall, within twenty calendar days, notify his or her employer in writing of the filing of any criminal charge involving conduct listed in WAC 392-144-103. The authorized driver shall also notify his or her employer of any disqualifying traffic convictions, or license suspension or revocation orders issued by the department of licensing. In cases where the employer is providing transportation services through a contract with the school district, the contractor shall immediately notify the school district superintendent or designee.

(2) The notification in writing shall identify the name of the authorized driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

(3) The failure of an authorized driver to comply with the provisions of this section is an act of unprofessional conduct and constitutes grounds for authorization suspension or revocation by the superintendent of public instruction.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, amended and recodified as § 392-144-140, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 05-19-107, § 180-20-135, filed 9/20/05, effective 10/21/05; 02-18-055, § 180-20-135, filed 8/28/02, effective 9/28/02; 93-08-007, § 180-20-135, filed 3/24/93, effective 4/24/93.]

WAC 392-144-150 School district—Reporting. (1)

Every school district employing authorized school bus drivers to transport children or contracting with a private firm who provides such authorized drivers as a part of a contract shall, within twenty calendar days, notify the superintendent of public instruction in writing of knowledge it may have of the filing of any criminal charge involving the conduct listed in WAC 392-144-103 against any authorized school bus driver.

(2) The notification in writing shall be by certified or registered mail and shall identify the name of the authorized school bus driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, amended and recodified as § 392-144-150, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 05-19-107, § 180-20-140, filed 9/20/05, effective 10/21/05; 93-08-007, § 180-20-140, filed 3/24/93, effective 4/24/93.]

WAC 392-144-160 School district—Verification of driver's continuing compliance. (1)

Every school district shall evaluate each authorized school bus driver for continuing compliance with the provisions of this chapter annually. The results of this evaluation of all drivers shall be forwarded to the superintendent of public instruction on SPI Form 1799, Verification Statement and Confirmation of Updated Records, no later than November 15th of each year.

(2) This report shall verify that each authorized school bus driver's medical examination certificate expiration date, first-aid expiration date, driver's license expiration date and most recent school bus driver in-service training date has been updated in compliance with OSPI procedures.

(3) This report shall verify that each authorized school bus driver has made an updated disclosure in writing and

signed and sworn under penalty of perjury which updates the disclosure required in WAC 392-144-102(4).

(4) This report shall verify that each authorized school bus driver's five-year driving record is in compliance with WAC 392-144-103.

(5) This report shall verify that each authorized school bus driver remains in compliance with the physical requirements of WAC 392-144-102(5).

(6) This report shall be a written verification that the evaluation has been conducted in accordance with the requirements of this chapter and that all drivers are in compliance, or if all drivers are not in compliance, a list of drivers who are out of compliance and the reason for noncompliance shall be provided.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. 06-15-010, amended and recodified as § 392-144-160, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. 05-19-107, § 180-20-145, filed 9/20/05, effective 10/21/05; 96-20-042, § 180-20-145, filed 9/24/96, effective 10/25/96; 93-08-007, § 180-20-145, filed 3/24/93, effective 4/24/93.]

Chapter 392-145 WAC TRANSPORTATION—OPERATION RULES

WAC

392-145-001	Authority.
392-145-005	Purpose and definition of "school bus."
392-145-010	Seating and seatbelt requirements.
392-145-015	General operating regulations.
392-145-020	Rules for school bus drivers.
392-145-025	Additional rules for school bus drivers.
392-145-030	Additional rules for school bus drivers.
392-145-035	Rules for students riding school buses.
392-145-040	Emergency exit procedures.
392-145-045	Emergency drills.

WAC 392-145-001 Authority. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to cover the operation of all school buses transporting common school students.

[Statutory Authority: RCW 46.61.380. 83-21-026 (Order 83-10), § 392-145-001, filed 10/10/83.]

WAC 392-145-005 Purpose and definition of "school bus." The purpose of this chapter is to establish the manner of operating all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The provisions of this chapter shall be incorporated by express reference into all school district contracts for the transportation of students in privately owned and operated school buses. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district shall be subject to the applicable provisions of this chapter.

This chapter does not apply to the operation of buses by common carriers in the urban transportation of students (e.g., the transportation of students via a municipal transit system).

The definition of "school bus" as the term is used in this chapter shall be as now or hereafter set forth in WAC 392-143-010.

[Statutory Authority: RCW 46.61.380. 84-20-082 (Order 84-40), § 392-145-005, filed 10/2/84; Order 7-75, § 392-145-005, filed 12/22/75.]

[Title 392 WAC—p. 204]

WAC 392-145-010 Seating and seatbelt requirements. (1) No school bus shall be operated unless each passenger aboard has been provided with a safe seat of sufficient size to accommodate each such passenger.

(2) There shall be no auxiliary seating accommodations such as temporary or folding jump seats in any school bus.

(3) Drivers of school buses shall be required to wear seat and/or lap belts whenever the vehicle is in motion.

(4) Passengers in school buses equipped with lap belts shall be required to wear them whenever the bus is in motion.

[Statutory Authority: RCW 46.61.380. 83-21-026 (Order 83-10), § 392-145-010, filed 10/10/83; 79-12-006 (Order 10-79), § 392-145-010, filed 11/9/79; Order 5-76, § 392-145-010, filed 4/16/76; Order 7-75, § 392-145-010, filed 12/22/75. Formerly WAC 392-22-005.]

WAC 392-145-015 General operating regulations.

(1) Every school district board of directors shall adopt written policies or rules implementing the provisions and objectives of WAC 392-145-035. District policies or rules governing student conduct during the course of transportation shall be established and implemented pursuant to the state board of education, chapter 180-40 WAC, as now or hereafter amended.

(2) All school bus drivers shall meet the qualifications established in chapter 180-20 WAC, as now or hereafter amended.

(3) Each school bus driver shall hold a valid and current first-aid card which certifies that he/she has completed a course in the basic principles of first aid within the past three years.

(4) When a teacher, coach, or other certificated staff member is assigned to accompany students on a bus, such person shall be responsible for the behavior of the students in his or her charge. However, the bus driver shall have final authority and responsibility.

(5) Heavy, sharp, bulky, and/or other articles which may be hazardous in the event of an accident or an emergency stop shall not be transported in the passenger area of any school bus. Specific attention is directed to items such as skis, ski poles, vaulting poles, musical instruments, riser platforms, etc.

(6) Teachers and all other school district staff members shall be notified that students shall not be requested to transport prohibited items between home and school on a school bus. Items which shall not be transported within the passenger area of a school bus also shall include all forms of animal life (except seeing eye dogs), firearms, weapons, breakable containers, flammables, and all other articles which could adversely affect the safety of the bus and passengers.

(7) A school bus driver shall not order or allow a student to depart the bus other than at his or her boarding or alighting place except as provided in WAC 392-145-020(7).

(8) Motor fuel shall not be put into the tank while the engine is running or while passengers are on the bus.

(9) All school buses shall operate with their headlights on when carrying passengers.

(10) On highways divided into separate roadways as provided in RCW 46.61.150 and highways with three or more marked traffic lanes, school districts shall design bus routes that serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control sig-

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nal as defined in RCW 46.04.600 or an adult crossing guard within three hundred feet of the bus stop to assist students while crossing such multiple-lane highways.

[Statutory Authority: RCW 46.61.380, 46.61.370 and Title 28A RCW. 91-06-032 (Order 45), § 392-145-015, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 46.61.380, 84-20-082 (Order 84-40), § 392-145-015, filed 10/2/84; Order 7-75, § 392-145-015, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-020 Rules for school bus drivers. (1)

Every school bus driver shall be provided a copy of and shall be thoroughly familiar with all state and local rules and regulations pertaining to the operation of the school bus in his/her charge.

(2) No school bus driver shall allow a passenger or other unauthorized person to operate the school bus at any time. No person except the driver shall be allowed to sit in the driver's seat.

(3) No school bus driver shall leave the driver's seat without first setting the brakes, shutting off the engine, placing the bus in gear, and removing the ignition key from the switch. The keys shall be kept in the driver's or other authorized school official's possession.

(4) School bus drivers shall have the primary responsibility for the safety of passengers while they are boarding the bus, while they are on the bus, and while they are disembarking the bus and crossing the roadway. If passengers must cross the road, the driver shall take reasonable action to assure that they cross safely. The driver shall take reasonable action to assure that passengers boarding or disembarking from the bus are within his/her view at all times and that they pass in front of the bus and never behind the bus.

(5) No school bus driver except in accordance with emergency procedures adopted by the district shall leave the immediate vicinity of his/her bus while there are passengers aboard. In the event of a bus breakdown, assistance shall be sought in accordance with local district policy.

(6) School bus drivers shall pick up only the students and persons designated by an authorized school district administrator.

(7) A student may be permitted to leave the bus at other than his or her regular stop if permission is first obtained pursuant to district policy.

(8) School bus drivers, prior to commencement of any trip, shall assure that the windshield and rear window of the bus are clean.

(9) Prior to commencement of and during any trip, with students aboard, every school bus driver shall ensure there are no articles in the following areas that could impede normal movement, visibility, or emergency egress:

- (a) The service entrance step well;
- (b) The entire main aisle from front to rear;
- (c) Aisles or passage ways to any emergency door;
- (d) The entire shelf area between the rearmost passenger seats and the rear emergency window.

(10) Tools and other miscellaneous articles shall be carried in appropriate compartments. They shall not be carried loose upon the floor or dashboard area of the bus.

(11) School bus drivers shall be certain that all brakes, lights, stop signs, warning signal lamps, and other safety devices are working properly before starting on any trip and

shall assure that the bus is equipped with a first-aid kit and a fire extinguisher.

[Statutory Authority: RCW 46.61.380, 91-23-070 (Order 23), § 392-145-020, filed 11/19/91, effective 12/20/91; 84-20-082 (Order 84-40), § 392-145-020, filed 10/2/84; Order 7-75, § 392-145-020, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-025 Additional rules for school bus drivers.

(1) School bus drivers shall check the latch, safety lock, and warning system for emergency doors daily and no bus shall be operated with passengers aboard if the emergency exit is not functioning properly.

(2) No bus containing passengers shall be in motion with any of the exit doors open or partly open.

(3) School bus drivers shall immediately report any suspected malfunction or needed repair of the school bus in their charge.

(4) School bus drivers shall observe all driving regulations set forth in the laws of the state of Washington relating to the operation of motor vehicles at all times.

(5) The speed of a school bus shall not be allowed to exceed the legal truck speed or any other applicable posted speed limit.

(6) When it is necessary to overtake and pass a slow moving vehicle, school bus drivers shall take reasonable action to assure that no third vehicle is drawing near. There shall be a visual road clearance of at least 800 feet on the road surface.

(7) All buses shall slow down to ten miles an hour or less and give the proper signal before making a ninety degree right or left turn.

(8) No school bus shall pass a stopped school bus which is loading or unloading students when the stopped school bus is displaying a stop sign and red flashing lights. In any case in which a school bus passes a stopped school bus which is loading and unloading students, but is not displaying a stop sign and red flashing lights, the passing school bus shall not exceed a speed of ten miles per hour.

(9) School bus drivers shall not change gears while proceeding downhill. Necessary gear changes shall be made before starting down a hill.

(10) No school bus driver shall disengage the clutch and allow the bus to coast.

(11) Backing a school bus is prohibited unless an adult flagman assists or an emergency exists. In the event of an emergency, backing of a bus shall be permitted only when there is no danger to pedestrians or passengers. Any deviation from this regulation shall require prior approval by an authorized school district administrator.

(12) School bus drivers shall yield the right of way to emergency vehicles.

[Statutory Authority: RCW 46.61.380, 84-20-082 (Order 84-40), § 392-145-025, filed 10/2/84; Order 7-75, § 392-145-025, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-030 Additional rules for school bus drivers.

(1) All school buses shall stop at all railroad crossings except:

(a) Where traffic is controlled by a police officer or duly authorized flagman;

(b) Where traffic is regulated by a traffic control signal;

(c) Where traffic is protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Where an official traffic control device gives notice that the stopping requirements do not apply.

(2) The driver shall open the door to listen for approaching trains and shall not proceed until the door is closed, visibility is clear, and the bus can proceed with safety. Drivers shall not change gears while the bus is crossing a railroad track.

(3) No bus shall stop on a curve or a hill where visibility is not at least 500 feet. If it is impossible to secure a distance of at least 500 feet for a bus stop, the school authorities, the state patrol and the traffic engineering department of the jurisdiction responsible for the roadway shall be advised and the stop shall be changed or proper signs installed.

(4) All changes in the direction of a school bus shall be indicated by the use of electrical directional signals on the bus.

(5) Prior to stopping the school bus on the roadway for the purpose of receiving or discharging passengers, school bus drivers shall activate the alternating amber flashing warning lamps by means of a master sequencing switch. The driver shall activate the amber warning lamps:

(a) No less than 100 feet and no more than 300 feet from the bus stop where the posted speed limit is 35 miles per hour or less; and

(b) No less than 300 feet and no more than 500 feet from the bus stop where the posted speed limit is more than 35 miles per hour.

(6) No school bus shall pull over to the left-hand side of the road to load or unload.

(7) The stop sign and red, alternately flashing lamps shall be displayed whenever a school bus is stopped on the roadway to receive or discharge school children.

(8) Whenever school children have to cross the roadway, the school bus shall stop on the roadway and display the stop sign and red, alternately flashing lamps. A school bus driver shall not allow school children to cross any roadway having three or more marked traffic lanes or any highway divided into separate roadways as provided in RCW 46.61.150.

(9) The stop sign and red, alternately flashing lamps on a school bus shall not be used to indicate that the bus is going to stop.

(10) Amber, simultaneously flashing hazard warning lamps shall be activated whenever a school bus is stopped off the roadway to receive or discharge school children.

(11) School bus drivers shall proceed with caution when passing or meeting a school bus but are not required to come to a stop unless the school bus stop sign and red flashing lights of the other bus are displayed.

(12) In order to lessen the potential for collisions, school bus drivers may use 4-way hazard warning lights within 500 feet prior to stopping for a railroad crossing or where a special hazard exists such as dense traffic conditions or adverse weather conditions, or where the necessary school bus speed is substantially below the posted speed limit. This procedure shall be used only on buses equipped with amber 4-way hazard warning lights on the front and rear of the school bus.

[Statutory Authority: RCW 46.61.380. 93-05-023 (Order 93-03), § 392-145-030, filed 2/11/93, effective 3/14/93. Statutory Authority: RCW 46.61.380,

46.61.370 and Title 28A RCW. 91-06-032 (Order 45), § 392-145-030, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 46.61.380. 84-20-082 (Order 84-40), § 392-145-030, filed 10/2/84; 80-09-081 (Order 80-28), § 392-145-030, filed 7/21/80; 79-12-006 (Order 10-79), § 392-145-030, filed 11/9/79; Order 19-76, § 392-145-030, filed 12/31/76; Order 7-75, § 392-145-030, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-035 Rules for students riding school buses. All school district boards of directors shall adopt written policies or rules and provide instructions for passengers riding school buses not inconsistent with applicable state law and rules. A copy of these policies or rules shall be provided each student who is scheduled to ride the school bus. The policies or rules shall include, but not necessarily be limited to, the following:

(1) Identification of the individual who has authority over the passengers.

(2) Student riding privileges.

(3) Procedures prior to loading, e.g., students must cross highway only in front and never behind school bus.

(4) Loading and unloading procedures and seat assignments.

(5) Student conduct.

(6) Acceptable practices with respect to talking, moving around the bus, use of windows, and other behavior.

(7) Unacceptable hazards that may cause injury to others, e.g., firearms, breakable containers, etc.

(8) Bus cleanliness.

(9) Emergency exit procedures.

[Statutory Authority: RCW 46.61.380. 84-20-082 (Order 84-40), § 392-145-035, filed 10/2/84; Order 7-75, § 392-145-035, filed 12/22/75. Formerly WAC 392-23-010.]

WAC 392-145-040 Emergency exit procedures. (1) All school districts operating or contracting for school bus transportation services shall prepare written policies or rules which establish procedures for bus safety and emergency exit drills.

(2) One emergency evacuation drill shall be held within the first six weeks of school each semester.

(3) The first exit drill shall be followed by at least one verbal review of the emergency exit drill prior to the second exit drill.

(4) Only those passengers whose participation in an exit drill poses substantial difficulty to themselves or to other passengers shall be excused and/or excluded from exit drill participation. Passengers who are excluded from such participation shall receive oral instruction in bus safety and exit drills at least three times during the school year.

(5) Drills shall be held upon school premises. Drills on the highway are only warranted under conditions necessary for "life and emergency safety."

[Statutory Authority: RCW 46.61.380. 84-20-082 (Order 84-40), § 392-145-040, filed 10/2/84; Order 19-76, § 392-145-040, filed 12/31/76; Order 7-75, § 392-145-040, filed 12/22/75.]

WAC 392-145-045 Emergency drills. (1) Emergency drills conducted pursuant to WAC 392-145-040 shall:

(a) Make allowance for individual differences in exiting the emergency door.

(b) Provide instruction to helpers that they should offer a helping hand palm up and avoid grasping a student's hand or arm.

(c) Be timed to assure that procedures provide for an orderly and expedient exiting from the vehicle.

[Order 7-75, § 392-145-045, filed 12/22/75.]

Chapter 392-151 WAC

TRAFFIC SAFETY—SCHOOL SAFETY PATROL

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-151-145	Operation at an intersection with traffic signal. [Order 7-75, § 392-151-145, filed 12/22/75. Formerly WAC 392-24-350.] Repealed by 91-15-016, filed 7/10/91, effective 8/10/91. Statutory Authority: RCW 46.61.385.
392-151-150	Violation reports and accidents. [Order 7-75, § 392-151-150, filed 12/22/75. Formerly WAC 392-24-355.] Repealed by 91-15-016, filed 7/10/91, effective 8/10/91. Statutory Authority: RCW 46.61.385.

WAC 392-151-003 Authority. The authority for this chapter is RCW 46.61.385 which authorizes the appointment and operation of school patrols by any public or private school subject to the conditions, procedures, and considerations required by this chapter and such supplemental conditions, procedures, and considerations as any such school may impose which are in the best interest of student safety.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-003, filed 7/10/91, effective 8/10/91.]

WAC 392-151-005 Purpose. The purpose of this chapter is to implement RCW 46.61.385 and provide for safe operation of school patrols.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-005, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-005, filed 12/22/75.]

(2007 Ed.)

WAC 392-151-010 Function of a school patrol. The purpose and function of a school patrol are to assist and aid members of the student body in the safe and proper crossing of streets, highways, and roads adjacent to the school and other crossing areas approved by the local safety advisory committee.

Student school patrol members assigned to work at a location with an adult school patrol member shall assist and act at the direction of such adult member of the patrol. A school patrol is to look for and utilize natural gaps in traffic as much as possible when allowing students to cross a street, highway, or road.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-010, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-010, filed 12/22/75. Formerly WAC 392-24-205.]

WAC 392-151-015 Administration and support. The superintendent or chief administrative officer of the school district shall assume the leadership and be ultimately responsible for determining school patrol policy and operations. The principal of each school shall provide leadership in developing good relationships among teachers, student body, and members of the school patrol in matters of selecting, instructing, and giving immediate supervision to school patrol members and carrying out administrative details. Administration of the actual operation of a school patrol may be delegated to a school employee or a safety committee. The approval, understanding, support, and encouragement of school administrators, local traffic control agencies, teachers, parents, and students is essential in providing an effective school safety patrol.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-015, filed 7/10/91, effective 8/10/91; 80-09-015 (Order 80-22), § 392-151-015, filed 7/9/80; Order 7-75, § 392-151-015, filed 12/22/75. Formerly WAC 392-24-210.]

WAC 392-151-017 Safety advisory committee—Selection. Selection of a safety advisory committee is important in the development and support of school patrol policy and in the development of a safe route to school plan. Members may be selected from the following areas:

- (1) School administration;
- (2) Law enforcement;
- (3) Traffic engineering; and
- (4) School-parent organization.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-017, filed 7/10/91, effective 8/10/91.]

WAC 392-151-020 Liability. The fear of potential liability for injuries sustained by pupils, employees, or patrols is present in the minds of school board members and school administrators. Both a school district and its individual employees or agents are potentially liable for damages sustained by students or others as the result of negligence. Examples of actions or inactions possibly giving rise to an award of damages by a court include: The failure to properly supervise students while they are in the custody of school employees or agents; the failure to properly instruct students in the procedures necessary to safeguard themselves while participating in school activities which may otherwise cause them injury; the failure to select and assign competent

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employees or agents to safeguard students where necessary; and, in general, the failure to take reasonable precautions to safeguard students in the custody of the school against foreseeable dangers.

The following suggested procedures may assist schools and employees or agents reduce the potential liability in connection with the operation of a school patrol:

- (1) Establish reasonable rules and regulations regarding the supervision and control of the school patrols.
- (2) Establish a policy which limits the selection of student patrol members to students who are preferably ages ten or older and who possess appropriate physical and mental abilities.
- (3) Establish a policy which authorizes any parent to have his or her child excluded from service on the safety patrol.
- (4) Establish a policy which requires school boards to provide insurance for members of the school patrol and for all supervisory officials involved in the program.
- (5) Establish a policy which sets forth specific physical and other criteria for selecting school patrol members and providing adequate training.

In addition, schools should periodically conduct a complete review of the entire school patrol program, including the following:

- (a) The selection of supervisors
- (b) The selection of student and adult members of the patrol
- (c) The training of both supervisors and patrol members
- (d) The determination of the streets which are to be used and those which are not to be used
- (e) The equipment needed
- (f) The time schedule when the patrol will be on duty
- (g) The special precautions to be observed in inclement weather and during hours of semidarkness.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-020, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-020, filed 12/22/75. Formerly WAC 392-24-215.]

WAC 392-151-025 Route plans. Suggested route plans shall be developed for each elementary school that has students who walk to and from school. It shall recommend school routes based on considerations of traffic patterns, existing traffic controls, and other crossing protection aids such as school patrols. These route plans shall limit the number of school crossings so that students move through the crossings in groups, allowing only one entrance-exit from each block to and from school. The route to school plan shall be distributed to all students with instructions that it be taken home and discussed with the parents.

[Statutory Authority: RCW 46.61.385. 96-22-057 (Order 96-17), § 392-151-025, filed 11/1/96, effective 12/2/96; Order 7-75, § 392-151-025, filed 12/22/75. Formerly WAC 392-24-220.]

WAC 392-151-030 Controlled crossings. "School patrol controlled" crosswalks are defined as any crosswalk which is attended by a student or adult guard, and which is not controlled by a traffic signal or stop sign. School patrol controlled crossings shall not be operated unless proper traffic control devices are in place as depicted in Washington state department of transportation, *Sign Fabrication Manual*

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and *Manual on Uniform Traffic Control Devices*, as now or hereafter amended. As a minimum, these shall consist of:

- (1) School crossing warning signs S1-1 and S2-1
- (2) Marked crosswalks
- (3) School speed limit sign

"School patrol assisted" crosswalks are defined as any crosswalk which is attended by a student or adult crossing guard and controlled by a stop sign, traffic signal or law enforcement officer. When crossings are controlled by stop signs, the S2-1 may be omitted. When crossings are controlled by a traffic signal or by a stop sign, the use of the school speed limit sign may be necessary following an engineering study.

Contact shall be made by school authorities with the governmental agency having jurisdiction over the street or highway in question in order to secure the necessary signs. The state department of transportation shall be contacted concerning all state highways outside of incorporated towns and cities and on those state highways within the incorporated limits of towns and cities with a population of 22,500 or less. On state highways within the incorporated limits of cities with a population of 22,500 or more, the city public works department shall be contacted.

The county highway department shall be contacted regarding all county roads. On city and town streets, which are not state highways, within the incorporated limits of cities and towns, the city or town street or public works department shall be contacted.

When school officials and/or the safety advisory committee determines that vehicular traffic volumes are such that adequate safe gaps in the traffic flow do not occur in reasonable frequent intervals to allow safe crossings by students, this condition, as well as any other related traffic issues, shall be evaluated cooperatively with the traffic engineering authorities having jurisdiction in order that necessary studies can be conducted for the purpose of developing possible alternative measures.

Where conditions are such that a patrol member cannot be seen at least as far away as the safe stopping distance for the legal speed at the location, one of the following procedures shall be carried out:

- (1) Select a safer location for the crossing at which the patrol is to serve.
- (2) Cooperatively evaluate the condition with traffic authorities having jurisdiction for the purpose of developing possible alternative measures.

[Statutory Authority: RCW 46.61.385. 96-22-057 (Order 96-17), § 392-151-030, filed 11/1/96, effective 12/2/96; Order 7-75, § 392-151-030, filed 12/22/75. Formerly WAC 392-24-240.]

WAC 392-151-035 School crossing warning and speed limit signs.



S2-1

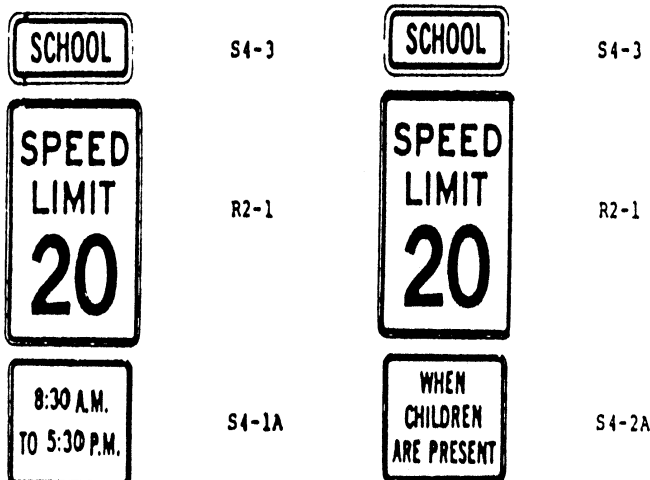
SCHOOL CROSSING



S1-1

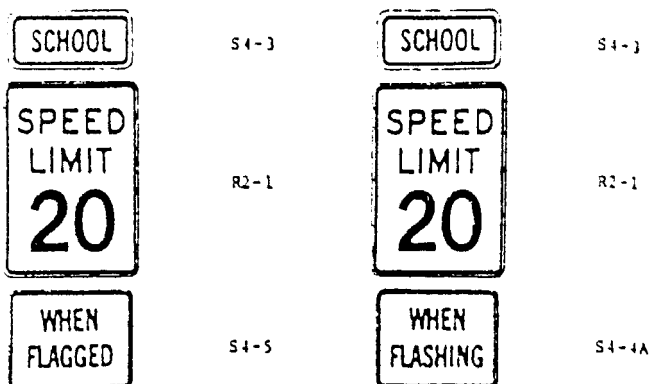
SCHOOL AHEAD

(2007 Ed.)



Note: The department of transportation defines when children are present as:

1. School children are occupying or walking within the marked crosswalk.
2. School children are occupying or waiting at the curb or on the shoulder of the roadway and are about to cross the roadway by way of the marked crosswalk.
3. School children are present or walking along the roadway, either on the adjacent sidewalk or, in the absence of sidewalks, on the shoulder within the posted school speed limit zone which extends three hundred feet in either direction from the marked crosswalk.



[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-035, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-035, filed 12/22/75. Formerly WAC 392-24-245.]

WAC 392-151-040 Organization, instruction, and supervision. The building principal or a member of the staff appointed by the principal shall supervise the school patrol. Criteria for the selection of a school patrol supervisor shall include:

- (a) Interest in safety
- (b) Ability to organize
- (c) Ability to lead
- (d) Ability to discipline
- (e) Attitude toward work
- (f) Efficiency on job
- (g) Ability to recognize individual differences
- (h) Ability to hold respect of pupils
- (i) Dependability

(2007 Ed.)

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-040, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-040, filed 12/22/75. Formerly WAC 392-24-250 (part).]

WAC 392-151-045 Duties of patrol supervisor. Duties of a school patrol supervisor shall include:

- (1) Being knowledgeable in all areas of the school patrol.
- (2) Selection of school patrol members according to school policy.
- (3) Instruction of all school patrol members and officers in their respective duties.
- (4) Supervision of the work of the school patrol in such manner as to develop the greatest initiative, leadership, and effectiveness on the part of each patrol officer and member.
- (5) Hold regular meetings of the school patrol for the purpose of instruction in safety practices, discussions concerning infractions of rules, and stimulating and inspiring the members in the performance of their duties.
- (6) Serve as advisor to the school safety advisory committee.

An officer of the state patrol, sheriff's office, or local police department shall be requested to assist in the instruction of school patrol members in the performance of their duties and thereafter make visits to street and highway crosswalks where school patrol members are stationed.

Instruction in traffic rules and regulations shall be given to all children attending the school. Written rules and regulations shall be distributed to parents and students.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-045, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-045, filed 12/22/75. Formerly WAC 392-24-250 (part).]

WAC 392-151-050 Selection, appointment and suspension of patrol members. Student school patrol members shall be selected from the upper grade levels and preferably not below age ten. Qualities such as leadership and reliability shall be considered in the selection of any patrol member. School patrol service shall be voluntary.

Written approval of a parent or guardian shall be secured in the case of student patrol members. Each prospective patrol member shall be given a vision and hearing examination. After selection, each school patrol member candidate shall be formally appointed by the principal. The parent(s) or guardian(s) of a student patrol member shall be notified in writing or via a personal interview of the student's suspension from duty as a school patrol member.

New patrol members may be selected thirty days before the school term terminates. Additional patrol members may be recruited in the fall of each year and, thereafter, as necessary to fill open positions. New members shall work with trained school patrol members for a long enough period to learn their duties.

A captain of the school patrol may be selected. Instructions shall be given each new school patrol member so that he or she can begin effective duty at a specific post the morning the next school term commences.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-050, filed 7/10/91, effective 8/10/91; 80-09-015 (Order 80-22), § 392-151-050, filed 7/9/80; Order 7-75, § 392-151-050, filed 12/22/75. Formerly WAC 392-24-255.]

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WAC 392-151-055 Utilization of adult patrol members. Schools possess the authority to appoint adults as members of a school patrol. The following criteria may be used to determine at which locations adult patrol members shall be stationed:

- (1) When there is a lack of adequate gaps due to a high volume of traffic.
- (2) When 85 percent of the traffic speed exceeds the speed limit by 5 miles an hour.
- (3) When there is a restricted sight distance.
- (4) When the location or distance from the school building is such that poor supervision of students would otherwise result.
- (5) When there is a high volume of turning traffic over a crosswalk.
- (6) When the location has been determined by either school or law enforcement authorities to be beyond the capability of a student to make rational decisions concerning safety.
- (7) When there is an excessive volume of pedestrian traffic over a highway.
- (8) When any of the above criteria exists and there is a lack of an alternate school route plan.

[Statutory Authority: RCW 46.61.385, 91-15-016, § 392-151-055, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-055, filed 12/22/75. Formerly WAC 392-24-225 and 392-24-230.]

WAC 392-151-060 Good character references for adult patrol members. Prior to any assignment, good character references shall be obtained on every adult who is being considered as a school patrol member. Good moral character is defined in WAC 180-75-081. In addition, a Washington state patrol criminal history request shall be obtained on each new adult candidate.

[Statutory Authority: RCW 46.61.385, 91-15-016, § 392-151-060, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-060, filed 12/22/75. Formerly WAC 392-24-235.]

WAC 392-151-065 Adult patrol members—Knowledge—Training of students—Introduction. In addition to other qualifications imposed by this chapter adult school patrol members shall be knowledgeable with the school crossing protection program operated in their community. Particular attention shall be given to introducing adult school patrol members to school authorities, traffic authorities, and the local parent-teacher association so that they may work together on problems of safety in the school area. Adult patrol members also shall know the school employee acting as patrol supervisor and be knowledgeable with patrol activities. Provision may be made to allow adult patrol members to have some part in the actual training of students relative to traffic safety. At the beginning of the school term, arrangements shall be made to present adult patrol members to the student body and the school parent association.

[Order 7-75, § 392-151-065, filed 12/22/75. Formerly WAC 392-24-345.]

WAC 392-151-070 Size of patrol and officers needed. The number of members on a school patrol shall be determined by factors such as: Street and highway conditions, number of intersections, volume of vehicular traffic, school enrollment, and number of arrival and school dismissal times.

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If there are several dismissal times, the size of the patrol shall be increased and the groups rotated so that no one member shall be absent too long from his or her classes. The supervisor may request assistance from the traffic safety unit of the police department in planning school patrol posts. Engineering studies may be requested from the traffic engineer's office by the police unit, the principal, or the school safety committee.

Each school patrol may have a patrol captain and one or more lieutenants. The captain shall be a patrol member who possesses qualities of leadership and shall be selected by the supervisor of the patrol on a trial basis or elected by the members subject to the supervisor's approval.

Officers and members should normally serve for at least one full school year. However, a plan for periodic relief may be provided for and implemented at the discretion of school authorities. This may be done by organizing groups to rotate weekly or several weeks at a time or by rotating dismissal times.

Some of the duties of the school safety patrol officers are:

- (1) Assigning school patrol members to their posts
- (2) Supervising the operations of the school patrol
- (3) Keeping school patrol records, including attendance
- (4) Being responsible for the procedure at each crossing
- (5) Making sure each school patrol member wears his or her equipment while on duty
- (6) Arranging for a substitute in case of absence of a regular school patrol member
- (7) Manning the post in case of an emergency.

[Order 7-75, § 392-151-070, filed 12/22/75. Formerly WAC 392-24-260.]

WAC 392-151-075 Hours on duty. The hours that patrol members are on duty shall be determined by the needs of the school area from an accident prevention standpoint and the time schedule of the school being served. The schedule of each student patrol member shall be so planned as to make it unnecessary for the student to miss regular school work for lengthy periods. Parents shall be informed of the amount of time students are scheduled to serve on patrols and how much class time may be missed due to patrol duty.

When a patrol member has been assigned to a particular crossing, the member shall be on duty at all times students are normally crossing streets or highways in going to and from school. Members shall be at their posts 10 to 15 minutes before the first class in the morning and 10 to 15 minutes before school begins in the afternoon.

At dismissal times, arrangements shall be made for student patrol members to leave their classes 2 or 3 minutes before the dismissal bell. Patrol members shall remain on duty until the patrol captain or patrol supervisor gives the dismissal signal.

[Order 7-75, § 392-151-075, filed 12/22/75. Formerly WAC 392-24-265.]

WAC 392-151-080 The patrol captain. The duties of the patrol captain may be:

- (1) Assign patrol members to their posts. See that patrol members report on time and keep a record of their attendance. If a patrol member is absent and no substitute is avail-

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able, the captain may assign the lieutenant to fill in or man the post himself or herself in emergencies.

(2) Make daily inspections. This is to make sure that each patrol member wears his or her equipment and that the equipment is kept in good, clean condition and properly stored when not in use.

(3) Enforce the rules of operation. Dereliction of duty may be dealt with by the captain.

(4) Make safety talks. The captain may be asked to make presentations to the student body and at regular patrol meetings.

(5) Report accidents and violations. The patrol captain may be responsible for the reporting of all accidents and violations to the patrol supervisor.

[Order 7-75, § 392-151-080, filed 12/22/75. Formerly WAC 392-24-270 and 392-24-275.]

WAC 392-151-085 General duties of patrol members. Each school patrol member shall adhere to the following duties and rules:

(1) Report to the crossing on time and remain during the prescribed period or until properly relieved.

(2) Perform duties as outlined.

(3) Wear standard uniform at all times while on duty.

(4) Be polite at all times.

(5) Attend strictly to the task and do not permit attention to be diverted while on duty.

(6) Direct students, not vehicular traffic.

(7) Know the procedures to follow in case of an accident or emergency.

(8) Notify the designated person in advance of anticipated absence.

[Order 7-75, § 392-151-085, filed 12/22/75. Formerly WAC 392-24-280.]

WAC 392-151-090 Standard uniforms. The standard uniform for school patrol members shall be a badge, vest, and/or raincoat and shall be worn only during a patrol function. A helmet may be used as part of the standard uniform.

The helmet when used shall be fluorescent orange, white, red, or yellow. For additional visibility during hours of darkness, reflective tape may be added to the uniform.

The school patrol vest shall be fluorescent orange with reflective white bands.

The raincoat shall be fluorescent orange, red, or yellow.

[Statutory Authority: RCW 46.61.385. 80-09-015 (Order 80-22), § 392-151-090, filed 7/9/80; Order 7-75, § 392-151-090, filed 12/22/75. Formerly WAC 392-24-285.]

WAC 392-151-095 Equipment. Each school patrol member, while on duty, shall have a fluorescent flame orange or a red flag of color-fast material not less than 14 inches by 16 inches bearing the word "STOP" in white lettering and attached to a staff not less than 40 inches long.

All flags shall be displayed by the school patrol at a 45-degree angle extending toward the center of the street or highway. The purpose of the flag is to increase visibility and give warning to approaching motorists.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-095, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-095, filed 12/22/75. Formerly WAC 392-24-290.]

(2007 Ed.)

WAC 392-151-100 Care of equipment—Dismissal.

Each school patrol member shall be responsible for the care of his or her equipment. There shall be periodic inspections and inventories to make sure the equipment is not lost and that it is kept in reasonably good condition.

School patrol members shall be required to return their equipment to the school supply room at the end of the school term.

School patrol officers may be responsible for the regular inspection and to see that school patrol equipment is kept in good condition and in its proper place. A record of inspections may be kept for submission to the school patrol supervisor. Willful abuse of equipment by a patrol member shall be grounds for dismissal.

[Order 7-75, § 392-151-100, filed 12/22/75. Formerly WAC 392-24-295.]

WAC 392-151-105 Instruction of patrol members.

Each school patrol member shall be thoroughly trained in his or her duties before being permitted to take assigned posts. Instruction shall include the fundamentals of patrol operation — where and how to stand when on duty, how to handle the patrol flag, and what constitutes a sufficient gap in vehicular traffic to permit safe crossing by students. Emphasis shall be placed on special hazards and the need for constant alertness. Types of training which shall be given members are:

(1) On-the-job training for at least one week under the direction of an experienced patrol member or for a longer period to learn their duties.

(2) Personal instruction by the patrol supervisor, a police officer, or a designated school district safety official.

(3) Reading and understanding written instructions which the school has compiled for the specific purpose of instructing new members.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-105, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-105, filed 12/22/75. Formerly WAC 392-24-300.]

WAC 392-151-110 Installing school patrol members.

New members of a school patrol shall be formally installed. The school principal or a law enforcement officer shall be present to administer the pledge and explain to the student audience the need for cooperation in making school patrol protection effective.

The pledge shall be given to the school patrol candidates during the installation. The school safety patrol card shall be issued to each member. The card shall be signed by the patrol member, parent, or guardian and the school principal or patrol supervisor.

[Order 7-75, § 392-151-110, filed 12/22/75. Formerly WAC 392-24-305 and 392-24-310.]

WAC 392-151-115 Patrol operation—Assignment and inspection. Student school patrol members shall be instructed to leave their classes quietly when released for patrol duty and go directly to the patrol assembly point. The patrol supervisor or an officer shall see that each member is provided with the proper equipment and assigned to a specific crossing. If a post remains uncovered, another patrol member shall be assigned to cover that crossing.

After receiving equipment and being assigned, patrol members shall walk quietly to their crossings. In crossing

streets, members shall protect each other in the same manner they protect other pedestrians.

[Order 7-75, § 392-151-115, filed 12/22/75. Formerly WAC 392-24-315.]

WAC 392-151-120 Basic crossing position and flag operation. Each school patrol member shall stand back of the curb or roadway edge—not in the street—and remind students to wait behind the flag until there is an adequate gap in traffic. A safe distance from the roadway edge shall be one length of the flag staff. When the traffic gap occurs, a patrol member may step two paces into the street or far enough to see clearly beyond any obstruction but should not go beyond the edge of the obstruction. They will then extend the flag over the roadway. The flag shall be displayed in a forty-five degree position with the word "STOP" level to the ground. When it is safe to cross, patrol members shall give a signal enabling students to cross in a group.

Students shall remain in back of the curb until allowed to cross. After the students have crossed, the patrol member shall lower the flag and return to basic position which is one length of the flag staff behind the curb.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-120, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-120, filed 12/22/75. Formerly WAC 392-24-320.]

WAC 392-151-125 Operation with school patrol members. (1) Single posts. On a narrow street with light vehicular traffic and little or no turning problems, a single school patrol member may be able to handle the crossing adequately. The patrol post in this case shall be on the side of the street where students approach the crossing. While primarily responsible for traffic approaching from the left, the patrol member shall look to both left and right and for turning cars.

(2) Dual posts. School patrol members shall be stationed on opposite sides of the street. One patrol member shall act as a "sender" and the other as "receiver." The patrol member first approached by pedestrians shall decide when it is safe to cross. Each member shall watch primarily to the left for approaching traffic. The patrol members shall face directly across the street toward their partner while students are crossing to enable them to see cars coming from either left or right. Both patrol members shall be alert to possible curb-turning cars before stepping into the crosswalk.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-125, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-125, filed 12/22/75. Formerly WAC 392-24-325.]

WAC 392-151-130 Operation with an adult patrol member or police officer or traffic signal. When the vehicular traffic is such that control by a police officer, an adult school patrol member, or traffic signal is required, student school patrol members shall assist by directing students to cross in conformance with the direction given by the police officer or adult patrol member assigned to the crossing or in conformance with the time cycle of the signal.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-130, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-130, filed 12/22/75. Formerly WAC 392-24-330.]

[Title 392 WAC—p. 212]

WAC 392-151-135 Operation at an intersection with traffic signal. At an intersection with a traffic signal, the light shall govern school patrol operation and the movement of students.

When the light turns green in the direction the students are to cross, the patrol members shall be certain that all approaching cars are stopping for their red light. When the patrol members are sure that traffic does not constitute a hazard, the patrol members shall follow the basic crossing procedure.

Before the red signal comes back on, patrol members shall stop all stragglers. Patrol members shall know the length of time the green is on and be able to estimate the correct moment to stop the flow of pedestrians.

When the signal is a pedestrian-actuated light, it shall be controlled by the "sender" patrol member. The "WALK" phase of this type of light is shorter than the green phase of the regular traffic light so that small compact groups of pedestrians may be allowed to cross at one time.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-135, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-135, filed 12/22/75. Formerly WAC 392-24-335.]

WAC 392-151-140 Violation reports and accidents. Moving motor vehicle violations at school crossings shall be reported to the appropriate law enforcement agency. School patrol members shall report all incidents which occur on or near their crossings which appear to involve unsafe practices on the part of anyone. Such reports shall be made to the patrol supervisor.

If the incident involves a driver violation, the license number of the car shall be written down immediately. Reports shall be reviewed by the patrol supervisor and principal. When the principal feels that a particular violation has occurred which requires follow-up by the police department, a violation report shall be filled out.

In the event of an injury accident or emergency at their post, patrol members shall observe the following directions:

- (1) If the accident was caused by a vehicle, obtain license number, time of violation, and whether male or female driver.
- (2) Never leave the crossing. Dispatch messengers to the school office stating location, nature, and seriousness of accident.
- (3) Keep all students back away from the curb.
- (4) Obtain name and address of victim and witnesses.
- (5) Make a report to the patrol supervisor.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-140, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-140, filed 12/22/75. Formerly WAC 392-24-340.]

Chapter 392-153 WAC TRAFFIC SAFETY—DRIVER EDUCATION

WAC

392-153-001	Authority and purpose.
392-153-010	Definitions.
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392-153-020	Traffic safety education endorsement.
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392-153-033	Student requirements.
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392-153-040	Administration.
392-153-050	Discipline—Grounds for denial, reprimand, suspension, or revocation of program approval.
392-153-060	Discipline—Emergency suspension.
392-153-070	Discipline—Appeals—Adjudicative proceedings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-153-005	Purposes. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-005, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-153-005, filed 1/22/92, effective 2/22/92; Order 6-77, § 392-153-005, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-005, filed 12/21/76; Order 7-75, § 392-153-005, filed 12/22/75.] Repealed by 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
392-153-015	State reimbursement to school districts. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-015, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-153-015, filed 1/22/92, effective 2/22/92. Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-015, filed 7/9/80; Order 6-77, § 392-153-015, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-015, filed 12/21/76; Order 7-75, § 392-153-015, filed 12/22/75. Formerly WAC 392-50-020.] Repealed by 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
392-153-017	Reporting. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-017, filed 7/18/01, effective 8/18/01.] Repealed by 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
392-153-022	Discipline—Grounds for denial, reprimand, suspension, or revocation of certification endorsement or program approval. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-022, filed 7/18/01, effective 8/18/01.] Repealed by 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
392-153-023	Discipline—Emergency suspension. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-023, filed 7/18/01, effective 8/18/01.] Repealed by 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
392-153-024	Discipline—Appeals—Adjudicative proceedings. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-024, filed 7/18/01, effective 8/18/01.] Repealed by 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.
392-153-030	District curriculum guides. [Order 13-76, § 392-153-030, filed 12/21/76; Order 7-75, § 392-153-030, filed 12/22/75. Formerly WAC 392-50-050.] Repealed by Order 6-77, filed 7/27/77, effective 9/11/77.
392-153-045	Burden and standard of proof. [Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-045, filed 7/18/01, effective 8/18/01.] Repealed by 06-08-043, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 28A.150.290.

WAC 392-153-001 Authority and purpose. RCW 28A.220.030 authorizes the superintendent of public instruction to adopt rules and regulations governing the operation of public and private school traffic safety education programs and to monitor the quality of the programs offered. This chapter specifies the requirements to obtain a traffic safety education endorsement or conditional certificate and the approval requirements for public and private school traffic safety education programs. The endorsement and conditional certificate requirements in this chapter are in addition to those specified in chapter 180-79A WAC.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-001, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-001, filed 7/18/01, effective 8/18/01.]

(2007 Ed.)

WAC 392-153-010 Definitions. (1) A "traffic safety education course" consists of two phases: Classroom instruction and laboratory experience. Laboratory experience is primarily characterized by student on-street driving, but includes simulator and multiple car driving range experience.

(2) A "satisfactory driving record" means an official record from the Washington state department of licensing and/or the corresponding licensing jurisdiction of the teacher's state of residence for the previous five-year period showing all departmental actions and:

(a) Not more than one moving traffic violation within the preceding twelve months or more than two moving traffic violations in the preceding twenty-four months;

(b) No alcohol related traffic violation, conviction or infraction, including any deferred prosecution program resulting from such violation;

(c) No driver's license suspension, cancellation, revocation or denial.

(3) "School district" includes, for the purpose of this chapter, education service districts and private schools approved under chapter 180-90 WAC.

(4) A "completion certificate" is a document provided by the superintendent of public instruction that indicates successful completion of an approved school district traffic safety program and is used to verify such completion to the department of licensing.

(5) "Course work" means credits and/or a combination of credits and professional development approved by the superintendent of public instruction as traffic safety professional development.

(6) "Curriculum guide" means a locally written curriculum, available to and used by each teacher in the traffic safety education program.

(7) "Clock hour" of course work or instruction is defined as not less than sixty minutes of student instruction time.

(8) "Sequenced and integrated" means that the classroom treatment of driving concepts generally precedes the laboratory practice of those concepts and that classroom instruction and laboratory experience are concurrently scheduled.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-010, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-010, filed 7/18/01, effective 8/18/01. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-153-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-010, filed 7/9/80; Order 6-77, § 392-153-010, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-010, filed 12/21/76; Order 7-75, § 392-153-010, filed 12/22/75. Formerly WAC 392-50-010.]

WAC 392-153-014 Program approval. School districts are required to apply annually to the superintendent of public instruction for approval of their traffic safety education program. Only approved programs are entitled to provide completion certificates to students. In order for a traffic safety education program to be approved, the school district must:

(1) Provide the name and contact information of the program administrator;

(2) Provide the names of all traffic safety education instructors; and

(3) Provide verification of compliance with the provisions of this chapter.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-014, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-014, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-153-014, filed 1/22/92, effective 2/22/92.]

WAC 392-153-020 Traffic safety education endorsement. (1) If you are a teacher certificated under provisions of chapter 28A.410 RCW, you can qualify for a traffic safety endorsement or letter of authorization issued by the superintendent of public instruction to teach the classroom or laboratory phases if you meet the following requirements:

(a) Possess a valid Washington state driver's license (or a valid license issued by another state provided you are a legal resident of that state).

(b) Provide a current satisfactory driving record to the employing school district on an annual basis.

(c) Complete twelve quarter hours (or eight semester hours) of approved course work.

(d) Provide verification to the office of the superintendent of public instruction that the employing school district has determined that you comply with all of the requirements set forth in this chapter.

(2) If you were endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and you possess a conditional certificate but do not hold a valid teaching certificate under chapter 28A.410 RCW, you can continue to be qualified to teach both classroom and laboratory phase provided you continue to meet all conditional certificate requirements.

(3) The course work requirement to maintain a traffic safety education endorsement or letter of approval is forty clock hours every five years.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-020, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-020, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1). 96-24-044 (Order 96-18), § 392-153-020, filed 11/27/96, effective 12/28/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-153-020, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-020, filed 7/9/80; Order 5-77, § 392-153-020, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-020, filed 12/21/76; Order 7-75, § 392-153-020, filed 12/22/75. Formerly WAC 392-50-030.]

WAC 392-153-021 Conditional traffic safety education certificates—Behind the wheel or classroom. (1) If you are not a certificated teacher, you may be issued a behind the wheel conditional certificate by the superintendent of public instruction to teach the laboratory phase, provided you meet the following requirements:

(a) Complete a behind the wheel conditional certificate course approved by the superintendent of public instruction that includes supervised practice in instructing and demonstration of instructional competencies. You must also pass practical and knowledge examinations administered by an agent approved by the office of the superintendent of public instruction.

(b) Possess a valid Washington state driver's license (or a valid license from another state provided you are a resident of that state).

(c) Hold a high school diploma or its equivalent.

(d) Have at least five years of licensed driving experience.

(e) Provide a current satisfactory driving record to the employing school district on an annual basis.

(f) Verify completion of at least sixty hours of course work within the previous two years.

(g) Provide verification to the office of the superintendent of public instruction that the employing school district has determined that you comply with all of the requirements set forth in this chapter.

(h) To teach using a simulator or on a multiple car driving range, you must provide evidence of having completed an additional thirty hours of course work which includes supervised practice in instructing using the designated method.

(2) If you are not a certificated teacher, you may be issued a classroom conditional certificate by the superintendent of public instruction to teach the classroom phase, provided you meet the following requirements:

(a) Possess a valid Washington state driver's license (or a valid license from another state provided you are a resident of that state).

(b) Provide a current satisfactory driving record to the employing school district on an annual basis.

(c) Complete at least one thousand hours of behind the wheel teaching experience within the last five years.

(d) Complete an eighty clock hour classroom instructor training course approved by the superintendent of public instruction.

(e) Provide verification to the office of the superintendent of public instruction that the employing school district has determined that you comply with all of the requirements set forth in this chapter.

(3) A behind the wheel or classroom conditional certificate is valid for two years or less. The superintendent of public instruction may reissue the conditional certificate if you provide verification that you continue to meet all requirements of this chapter, including having completed sixty hours of course work within the previous two years. However, for the purpose of reissue, the employing school district superintendent (or designee) may approve up to forty-eight of the sixty hours, including approving credit for professional development courses or traffic safety education related projects.

(4) Conditional certificates are subject to suspension and revocation under the provisions of 180-79A WAC.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-021, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-021, filed 7/18/01, effective 8/18/01.]

WAC 392-153-025 Traffic safety education vehicles. Every vehicle used in on-street traffic safety education instruction shall:

(1) Be equipped with a dual control brake, rear view mirror for the instructor, and seat belts for each occupant.

(2) Have a sign clearly readable from the rear at one hundred feet designating the vehicle is driven by a student driver.

(3) Be used exclusively for traffic safety education purposes while the course is in session, if the vehicle is on loan from an automobile dealer.

(4) Pass a safety inspection according to the requirements of WAC 392-143-070.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-025, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-025, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1). 96-24-044 (Order 96-18), § 392-153-025, filed 11/27/96, effective 12/28/96; Order 13-76, § 392-153-025, filed 12/21/76; Order 7-75, § 392-153-025, filed 12/22/75. Formerly WAC 392-50-040.]

WAC 392-153-032 Curriculum guide and course requirements. (1) Each school district curriculum guide shall include:

(a) The minimum concepts to be taught, which are: Introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections, which shall include highway-rail grade crossings; management of time and space; lane changes; passing; non-motorized traffic; internal factors affecting driving performance, which shall include emotional and behavior issues; physical factors affecting driving performance, which shall include seatbelt usage and its benefits; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; highway transportation system improvement; fuel conservation; and motorcycle awareness.

(b) The methods of instruction used by the teacher in presenting the material.

(c) The student performance objectives and evaluation criteria.

(d) The activities that will enable a student to accomplish the objectives (while allowing for individual differences) and the required level of competency for each objective.

(e) Information on the fifty hours of adult guided practice and the driving restrictions required by the intermediate driver license.

(f) A flow chart that indicates how the classroom and laboratory lessons are sequenced and integrated.

(g) Classroom and laboratory lesson plans, including driving routes for laboratory experience.

(2) Each traffic safety education course shall include comprehensive written and driving exams.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-032, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-032, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1). 96-24-044 (Order 96-18), § 392-153-032, filed 11/27/96, effective 12/28/96. Statutory Authority: RCW 28A.220.030. 92-20-061 (Order 92-10), § 392-153-032, filed 10/2/92, effective 11/2/92; 92-03-138 (Order 92-04), § 392-153-032, filed 1/22/92, effective 2/22/92. Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-032, filed 7/9/80; Order 6-77, § 392-153-032, filed 7/27/77, effective 9/11/77.]

WAC 392-153-033 Student requirements. A student enrolled in a traffic safety education course must have a valid driver instruction permit issued before or within seven days after the start date of classroom instruction. A student shall meet the objectives and competencies listed in the curriculum guide prior to being issued a completion certificate.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-033, filed 3/30/06, effective 4/30/06.]

(2007 Ed.)

WAC 392-153-035 Course scheduling requirements.

(1) Any portion of a traffic safety education course may be taught after regular school hours or on Saturdays, as well as on regular school days or as a summer school course.

(2) Students shall not have more than two hours of classroom and one hour laboratory instruction in any twenty-four hour period. Where simulation and/or off-street multiple car driving ranges are utilized, up to one additional hour per day is allowed.

(3) The minimum course of instruction is thirty hours of classroom instruction, four hours of driving experience and four hours of driving observation time. Break time shall not be included in clock hours. Four hours of simulation instruction may be substituted for up to one hour driving experience. Two hours of multiple car off-street driving range time may be substituted for up to one hour of driving experience.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-035, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-035, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-035, filed 7/9/80; Order 13-76, § 392-153-035, filed 12/21/76; Order 7-75, § 392-153-035, filed 12/22/75. Formerly WAC 392-50-060.]

WAC 392-153-040 Administration. Each school district offering an approved traffic safety education program shall:

(1) Appoint a person to be responsible for ensuring the program's continuing compliance with the requirements of this chapter.

(2) Adopt written policies including enrollment criteria, student fees, student fee refunds, failures, repeats, and access for part-time and home-based students.

(3) Maintain individual student records which include the student's progress, time of instruction and evaluation results.

Records shall also include attendance information and the starting and ending dates for each course conducted within the program.

(4) Ensure that any activity provided under a contract with a commercial driving school meets all the requirements of a public school program.

(5) Notify the superintendent of public instruction, in accordance with the provisions of chapter 180-79A WAC, of any instructor no longer meeting the requirements of WAC 392-153-010(2).

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-040, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. 01-16-003, § 392-153-040, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-040, filed 7/9/80; Order 6-77, § 392-153-040, filed 7/27/77, effective 9/10/77; Order 13-76, § 392-153-040, filed 12/21/76; Order 7-75, § 392-153-040, filed 12/22/75. Formerly WAC 392-50-070.]

WAC 392-153-050 Discipline—Grounds for denial, reprimand, suspension, or revocation of program approval. A request for program approval may be denied or a program approval issued under this chapter may be suspended or revoked for failure to meet any of the minimum requirements set forth in this chapter.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-050, filed 3/30/06, effective 4/30/06.]

[Title 392 WAC—p. 215]

WAC 392-153-060 Discipline—Emergency suspension. If the superintendent of public instruction finds that public health, safety, or welfare of students, instructors, teachers, or the general public is threatened or compromised and requires an emergency action, and incorporates a finding to that effect in its order, emergency suspension of the program approval may be ordered pending proceedings for revocation or other action. In all cases in this section, the superintendent of public instruction shall expedite all due process actions.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-060, filed 3/30/06, effective 4/30/06.]

WAC 392-153-070 Discipline—Appeals—Adjudicative proceedings. Any school district may appeal a decision by the superintendent of public instruction to deny, suspend, or revoke a traffic safety education program approval, using the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures in chapter 392-101 WAC.

[Statutory Authority: RCW 28A.150.290. 06-08-043, § 392-153-070, filed 3/30/06, effective 4/30/06.]

Chapter 392-157 WAC CHILD NUTRITION—PRACTICES AND PROCEDURES

WAC

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STATE GRANTS FOR SCHOOL LUNCH AND BREAKFAST PROGRAMS

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STATE GRANTS FOR SUMMER FOOD SERVICE PROGRAMS

392-157-160	General description.
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WAC 392-157-005 Authority. The authority for this chapter is RCW 28A.235.100.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-005, filed 2/1/94, effective 3/4/94.]

WAC 392-157-010 Purposes. The purposes of this chapter are to:

(1) Encourage school districts to participate in the National School Lunch and School Breakfast Programs.

(2) Provide policies and procedures for the budgeting and accounting for state appropriations for school breakfast and lunch programs in school districts.

(3) Provide policies and procedures regarding the administration of state appropriated grants to school districts to increase participation in school breakfast and lunch programs, to improve program quality, and to improve the equipment and facilities used in the programs.

(4) Provide policies and procedures regarding the administration of state appropriated grants to school districts and other eligible organizations to start summer food service programs and to help expand summer food services for children.

(5) Formalize procedures currently in place for the apportionment of state match money for the National School Lunch Program and the state reimbursement for free and reduced price breakfasts.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-010, filed 2/1/94, effective 3/4/94.]

WAC 392-157-015 Definition—Child nutrition program. As used in this chapter, the term "child nutrition program" means activities designed to provide nutritious meals and nutrition education to children.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-015, filed 2/1/94, effective 3/4/94.]

WAC 392-157-020 Definition—National school lunch program. As used in this chapter, the term "national school lunch program" has the meaning defined in Title 7 of the Code of Federal Regulations (7 CFR) Part 210.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-020, filed 2/1/94, effective 3/4/94.]

WAC 392-157-025 Definition—School breakfast program. As used in this chapter, the term "school breakfast program" has the meaning defined in 7 CFR Part 220.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-025, filed 2/1/94, effective 3/4/94.]

WAC 392-157-030 Definition—Summer food service program. As used in this chapter, the term "summer food service program" means a program meeting the federal requirements defined in 7 CFR Part 225.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-030, filed 2/1/94, effective 3/4/94.]

WAC 392-157-035 Definition—School food authority. As used in this chapter, the term "school food authority" has the meaning defined in 7 CFR Part 210.2 for the national school lunch program, 7 CFR Part 220.2 for the school break-

fast program and 7 CFR Part 225.2 for the summer food service program.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-035, filed 2/1/94, effective 3/4/94.]

WAC 392-157-040 Definition—Summer food service program sponsor. As used in this chapter, the term "summer food service program sponsor" has the meaning defined in 7 CFR Part 225.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-040, filed 2/1/94, effective 3/4/94.]

WAC 392-157-045 Definition—Lunch. As used in this chapter, the term "lunch" has the meaning defined in 7 CFR Part 210.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-045, filed 2/1/94, effective 3/4/94.]

WAC 392-157-050 Definition—Free lunch. As used in this chapter, the term "free lunch" has the meaning defined in 7 CFR Part 210.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-050, filed 2/1/94, effective 3/4/94.]

WAC 392-157-055 Definition—Reduced price lunch. As used in this chapter, the term "reduced price lunch" has the meaning defined in 7 CFR Part 210.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-055, filed 2/1/94, effective 3/4/94.]

WAC 392-157-060 Definition—Breakfast. As used in this chapter, the term "breakfast" has the meaning defined in 7 CFR Part 220.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-060, filed 2/1/94, effective 3/4/94.]

WAC 392-157-065 Definition—Free breakfast. As used in this chapter, the term "free breakfast" has the meaning defined in 7 CFR Part 220.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-065, filed 2/1/94, effective 3/4/94.]

WAC 392-157-070 Definition—Reduced price breakfast. As used in this chapter, the term "reduced price breakfast" has the meaning defined in 7 CFR Part 220.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-070, filed 2/1/94, effective 3/4/94.]

WAC 392-157-075 Definition—Severe need school. As used in this chapter, the term "severe need school" has the meaning defined in 7 CFR Part 220.2 and 7 CFR Part 220.9 (e).

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-075, filed 2/1/94, effective 3/4/94.]

WAC 392-157-080 Definition—Severe need breakfast reimbursement. As used in the chapter, the term "severe need breakfast reimbursement" means an additional amount paid by the USDA for each breakfast served in qualifying school buildings identified as "severe need schools" in school

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districts, private schools and residential child care institutions participating in the school breakfast program.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-080, filed 2/1/94, effective 3/4/94.]

WAC 392-157-085 Definition—Accounting manual. As used in this chapter, the term "accounting manual" means the most recently published accounting manual for public school districts in the state of Washington issued by the superintendent of public instruction and the state auditor.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-085, filed 2/1/94, effective 3/4/94.]

WAC 392-157-090 Definition—Object of expenditure. As used in this chapter, the term "object of expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "the article purchased or the services obtained").

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-090, filed 2/1/94, effective 3/4/94.]

WAC 392-157-095 Definition—Activity. As used in this chapter, the term "activity" shall be as defined in the accounting manual glossary of terms (i.e., "a specific and distinguishable service performed by a school district in order to accomplish a function for which the school district is responsible").

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-095, filed 2/1/94, effective 3/4/94.]

WAC 392-157-100 Definition—Operating expenditure. As used in this chapter, the term "operating expenditure" means the school district general fund direct expenditures and indirect expenditures allocated to Program 98 - Food Services as defined in the *Accounting Manual for Public School Districts in the State of Washington*.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-100, filed 2/1/94, effective 3/4/94.]

WAC 392-157-105 Meal requirements. The following procedures shall be used by the superintendent of public instruction to apportion moneys appropriated by the legislature for school district meal reimbursements:

(1) National School Lunch Program state match reimbursements and adjustments to these reimbursements shall be apportioned by the superintendent of public instruction (SPI) in the same manner as provided in WAC 392-121-400.

(2) All other meal reimbursements shall be apportioned as follows:

(a) Allocations for each school year shall be based on a uniform statewide rate per meal.

(b) Allocations shall be made at a rate of ten percent per month for the months of September through June.

(3) Except as provided in subsection (2)(a) and (b) of this section allocations shall be made in the same manner as provided in WAC 392-121-400.

(4) During the month of January following the end of the school year, the reimbursements made to each school district during the preceding school year will be adjusted to the actual number of meals reported to the SPI child nutrition section during the preceding school year on Form F-398.

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[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-105, filed 2/1/94, effective 3/4/94.]

WAC 392-157-110 Timely reporting. Reimbursement claims for meals must be submitted in a timely manner in accordance with chapter 392-117 WAC and 7 CFR Parts 210.8 and 220.11.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-110, filed 2/1/94, effective 3/4/94.]

WAC 392-157-115 Use of meal reimbursements. Appropriations by the state legislature for school district meal reimbursements required as a state match in 7 CFR Part 210.17 shall be used for any nonprofit school food service program purpose. Appropriations made under chapter 28A.235 RCW shall be used by school districts to support the operating expenditures of school lunch and school breakfast programs, including food, labor, supplies, and capital expenditures unless specific appropriations for nonoperating expenditures are provided.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-115, filed 2/1/94, effective 3/4/94.]

WAC 392-157-120 Program operation. All school districts that do not offer a school lunch program are encouraged to implement such a program. All school districts are encouraged to provide a breakfast program in all severe need schools as they become eligible.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-120, filed 2/1/94, effective 3/4/94.]

WAC 392-157-125 Time for meals. The school breakfast and school lunch periods shall allow a reasonable amount of time for each child to take care of personal hygiene and enjoy a complete meal.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-125, filed 2/1/94, effective 3/4/94.]

STATE GRANTS FOR SCHOOL LUNCH AND BREAKFAST PROGRAMS

WAC 392-157-130 General description. Amounts appropriated by the state legislature for school districts to start up, improve and expand breakfast and lunch programs shall be awarded on a competitive basis. School districts, if eligible, shall first apply for any available USDA grants to start up, improve and expand breakfast and lunch programs prior to making application for state grants for these purposes. School districts, if eligible, shall also apply for the USDA severe need breakfast reimbursement prior to making applications for state grants to start up, improve, and expand breakfast and lunch programs. A state grant to start up, improve, and expand a school district breakfast or lunch program may be used for the following purposes which are listed in order of importance:

- (1) Purchase food service equipment.
- (2) Provide staff training.
- (3) Disseminate program information to students, families and school staff to encourage program participation.
- (4) Improve efficiency in the food service area.
- (5) Improve sanitation in the food service area.

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- (6) Improve safety in the food service area.

State start up, improvement, and expansion grants shall not be used for the acquisition of land or existing buildings, improvement of grounds, construction of buildings, additions to buildings, or the remodeling of buildings to be consistent with 7 CFR Part 210.14(a).

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-130, filed 2/1/94, effective 3/4/94.]

WAC 392-157-135 Application procedure. In order to apply for a state grant, a school food authority must submit a written description of its proposed purchase or project. The description must include:

- (1) Proposed purchase(s) or a description of the project.
- (2) The cost of each item or each part of the project.
- (3) How the item(s) purchased or how the results of the project will benefit the program.
- (4) How the purchase(s) or the project will affect the breakfast and lunch programs, for example, increased participation, improved menus, and/or expenditure reductions.
- (5) The number of students eligible for free or reduced price meals that would be affected.
- (6) A timetable for the purchase and installation of equipment or a timetable for the project.
- (7) An assurance that a USDA grant is not available or application has been made for a USDA grant for the proposed purchase(s) or project.
- (8) An assurance that, if eligible, an application has been made for the severe need breakfast reimbursement from the USDA.
- (9) An assurance that the program will be continued for at least three years after the grant is received.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-135, filed 2/1/94, effective 3/4/94.]

WAC 392-157-140 Evaluation of grant proposals. A committee shall be established to apply the criteria for the evaluation of state grant proposals to start up, improve, and expand breakfast and lunch programs. A separate committee shall be established to apply the criteria for the evaluation of state grant proposals to improve and expand summer food service programs. Each committee's evaluations shall be forwarded to the superintendent of public instruction who will use the evaluations as grant award recommendations. Each committee shall consist of three or more representatives from selected organizations concerned with child nutrition such as the Washington School Food Service Association, the Washington School Directors' Association, the Washington Association of School Administrators, the Washington Association of School Principals, the Washington Association of School Business Officials and School Nurses of Washington. In addition, each committee shall include a representative from one or more child nutrition advocacy organizations, a representative from the office of the governor, and any other organization as the office of the superintendent of public instruction deems necessary. Members of the committee shall be selected by the superintendent of public instruction.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-140, filed 2/1/94, effective 3/4/94.]

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WAC 392-157-145 Grant proposal evaluation criteria. Proposals from all school districts will be evaluated and ranked by a committee established pursuant to WAC 392-157-140 based on the following criteria which are listed in descending order of importance:

- (1) A program will be made available where there was no program before.
- (2) The projected total number of students that will be affected by the purchase or project while allocating the funds to the greatest number of districts practical.
- (3) The effect of the purchase or the project on the participation of students eligible for free and reduced price meals.
- (4) Time frame in which a new program will be started and/or how quickly the improvements can be made as the result of the purchase or project.
- (5) The availability of other sources of money for the proposed purchases or project.
- (6) Necessary assurances provided by the school district for the continuation of the program after the purchases are made or the project is completed.
- (7) The projected effect of the purchase or project on program quality.
- (8) The amount of grant money available.
- (9) The geographic dispersion of the grantees.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-145, filed 2/1/94, effective 3/4/94.]

WAC 392-157-150 Grant budgets. School districts as part of the grant application process shall budget expenditures by object of expenditure and activity as described in the accounting manual for public schools in the state of Washington on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-150, filed 2/1/94, effective 3/4/94.]

WAC 392-157-155 Budget adjustments. Budgeted expenditure adjustments may be made by increasing an approved activity-object expenditure amount by up to ten percent and decreasing others without filing a request for a budget revision with the superintendent of public instruction. These adjustments may be made only once for each grant and only if the increases, in total do not exceed ten percent of the total budgeted expenditures and do not increase total budgeted expenditures.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-155, filed 2/1/94, effective 3/4/94.]

STATE GRANTS FOR SUMMER FOOD SERVICE PROGRAMS

WAC 392-157-160 General description. Amounts appropriated by the state legislature for summer food service programs shall be awarded on a competitive basis. Summer food service program sponsors shall apply for any federal grants to start up and expand summer food service programs prior to making application for state grants for these purposes. A state start up and expansion grant may be used to:

- (1) Provide staff time for summer food service program development including the planning, designing and imple-

mentation of a new program or the expansion of an existing program.

- (2) Purchase food service equipment.
- (3) Provide staff training.
- (4) Disseminate program information to students, families, school staff, and the community to encourage program participation.

State start up and expansion grants shall not be used for the acquisition of land or existing buildings, improvement of grounds, construction of buildings, additions to buildings, or the remodeling of buildings to be consistent with 7 CFR Part 210.14(a).

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-160, filed 2/1/94, effective 3/4/94.]

WAC 392-157-165 Application procedure. In order to apply for a state grant, a summer food service sponsor must submit a written description of its proposed purchase or project. The description must include:

- (1) Proposed purchase(s) or a description of the project.
- (2) The cost of each item or each part of the project.
- (3) How the item(s) purchased or how the results of the project will benefit the program.
- (4) If appropriate, a description of how staff will be used to develop the program.

(5) Impact the sponsor expects the purchase(s) or project to have on the number of children participating in the summer food service program.

(6) A timetable for the purchase and installation of equipment or a timetable for the project.

(7) An assurance that a USDA grant is not available or application has been made for a USDA grant for the proposed purchases or project.

(8) An assurance that the program will be continued for at least three years after the grant is received.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-165, filed 2/1/94, effective 3/4/94.]

WAC 392-157-170 Proposal evaluation criteria. The proposals from all sponsors and potential sponsors will be evaluated by a committee established pursuant to WAC 392-157-140 and ranked based on the following criteria which are listed in descending order of importance:

(1) A program will be made available where there was no program before.

(2) The increased participation that is projected because of the proposed purchase or project.

(3) Time frame in which a program will be started or expanded and/or how quickly the improvements can be made as the result of the purchase or project.

(4) The availability of other sources of money for the proposed purchase or project.

(5) Necessary assurances provided by the sponsor for the continuation of the program after the purchases are made or the project is completed.

(6) The amount of grant money available.

(7) The geographic dispersion of the grantees.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-170, filed 2/1/94, effective 3/4/94.]

WAC 392-157-175 Grant budgets. School districts as part of the grant application process shall budget expenditures by object of expenditure and activity as described in the *Accounting Manual for Public Schools in the State of Washington*. All summer food service program sponsors shall submit a budget on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-175, filed 2/1/94, effective 3/4/94.]

WAC 392-157-180 Budget adjustments. Budgeted expenditure adjustments may be made by increasing an approved activity-object expenditure amount for school districts and a budgeted line item for all other summer food service program sponsors by up to ten percent and decreasing others without filing a request for a budget revision with the superintendent of public instruction. These adjustments may be made only once for each grant and only if the increases, in total do not exceed ten percent of the total budgeted expenditures and do not increase total budgeted expenditures.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-180, filed 2/1/94, effective 3/4/94.]

Chapter 392-160 WAC

SPECIAL SERVICE PROGRAM—TRANSITIONAL BILINGUAL

WAC

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392-160-045	Handicapped students—No transitional bilingual entitlement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-160-001	Purpose—Supplemental federal requirements. [Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-001, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-001, filed 6/17/80.] Repealed by 84-13-027 (Order 84-17), filed 6/13/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810.
392-160-025	Program application and approval procedure. [Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-025, filed 6/17/80.] Repealed by 81-15-089 (Order 81-4), filed 7/22/81. Statutory Authority: RCW 28A.58.804.
392-160-030	Funding procedure—Monthly reports. [Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-030, filed 6/17/80.] Repealed by 81-15-089 (Order 81-4), filed 7/22/81. Statutory Authority: RCW 28A.58.804.

WAC 392-160-003 Authority. The authority for this chapter is RCW 28A.180.060 which authorizes the superintendent of public instruction to promulgate rules for the

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implementation of a transitional bilingual instructional program.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-160-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-003, filed 6/13/84.]

WAC 392-160-004 Purpose. The purpose of this chapter is to set forth policies and procedures for the implementation of a transitional bilingual instructional program.

[Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-004, filed 6/13/84.]

WAC 392-160-005 Definitions. As used in this chapter:

(1) "Transitional bilingual instruction" means a system of instruction which:

(a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a student to achieve competency in English;

(b) Introduces concepts and information in the primary language of a student and reinforces them in the English language; and

(c) Tests students in the subject matter in English.

(2) "Primary language" means the language most often used by a student (not necessarily by parents, guardians, or others) for communication in the student's place of residence.

(3) "Eligible student" means any student who meets the following two conditions:

(a) The primary language of the student must be other than English; and

(b) The student's English skills must be sufficiently deficient or absent to impair learning.

(4) "Alternative instructional program" means a program of instruction which may include English as a second language and is designed to enable the student to achieve competency in English.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-005, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-005, filed 6/13/84. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-005, filed 6/17/80.]

WAC 392-160-010 School district board of directors duties. Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible student a transitional bilingual instruction or, if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program in a language they can understand; and

(3) Shall provide in-service training for teachers, counselors, and other staff who are involved in the district's transitional bilingual program, including alternative instructional programs, on appropriate instructional strategies for students of culturally different backgrounds and use of curriculum materials and program models.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-010, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-010, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-010,

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filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-010, filed 6/17/80.]

WAC 392-160-015 Identification of eligible students.

(1) District procedures—Identification of primary language required: Every school district board of directors shall adopt written procedures governing the identification of each student's primary language and the determination of which students with a primary language other than English are eligible students. Such procedures shall include:

(a) Provisions for the identification of a student's primary language pursuant to an interview with or a written questionnaire directed to the student and the student's parent(s) or guardian(s), or a combination of interviews and written questionnaires; and

(b) Provisions for testing students as provided for in this section, WAC 392-160-020, and 392-160-035.

(2) Deadline for determining eligibility of newly enrolled students: The primary language and eligibility of each newly enrolled student shall be established no later than the twentieth school day after the date upon which the student commences attendance at a particular school district.

(3) Newly enrolled students who speak little or no English—Determination of eligibility: The eligibility of a newly enrolled student whose eligibility is reasonably apparent by reason of:

(a) The student's ability to communicate reasonably well in his or her non-English primary language; and

(b) The student's inability to communicate in English to any practical extent as determined by an interview with the student by appropriate school district staff. No other approved test need be administered if the professional judgment of the school personnel is that the student is eligible as defined in WAC 392-160-005(3).

(4) All other newly enrolled students—Determination of eligibility: The eligibility of all newly enrolled students:

(a) Who have a primary language other than English; and

(b) Whose eligibility is not reasonably apparent by reason of the standards established by subsection (3) shall be determined pursuant to WAC 392-160-020.

(5) Annual reassessment of all students required: Each school year each school in which an eligible student is enrolled shall conduct an evaluation of the overall academic progress of the student. This evaluation must include but not be limited to the administration of a standardized test in reading and language arts as set forth in WAC 392-160-035.

[Statutory Authority: Chapter 28A.180 RCW. 91-17-008 (Order 12), § 392-160-015, filed 8/12/91, effective 9/12/91. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-015, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-015, filed 6/13/84. Statutory Authority: RCW 28A.58.-804. 81-15-089 (Order 81-4), § 392-160-015, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-015, filed 6/17/80.]

WAC 392-160-020 Approved tests for determining initial eligibility—English proficiency scores. (1)

Approved English proficiency tests: The following tests are approved for the purpose of annually determining the English proficiency of newly enrolled students (other than those who speak little or no English) whose primary language is other than English:

- (a) Language assessment scales (LAS and Pre-LAS);
- (b) Basic inventory of natural language (BINL);
- (c) Bilingual syntax measure (BSM); and
- (d) Secondary level English proficiency test (SLEP). (To be used only at 8-12 level).

(2) Scores which establish an English skills deficiency: In the event a student scores within the appropriate range provided by the test maker to establish such English skill deficiency, the student's English skills shall be deemed sufficiently deficient or absent to impair learning

(3) The superintendent of public instruction may approve a school district request for use of a test other than those approved for use in this section when such request is supported by evidence that:

(a) The approved tests for use identified in this section are either unsuitable, inappropriate, or impractical for use by the school district;

(b) The scores that establish English skills deficiency for the requested test correspond with the scores that establish English skills deficiency for approved tests identified in this section; and

(c) The skills being measured by the requested test correspond to the skills measured by the approved tests identified in this section.

[Statutory Authority: Chapter 28A.180 RCW. 91-17-008 (Order 12), § 392-160-020, filed 8/12/91, effective 9/12/91. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-020, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-020, filed 6/13/84. Statutory Authority: RCW 28A.58.-808. 80-07-039 (Order 80-21), § 392-160-020, filed 6/17/80.]

WAC 392-160-026 District application. Each school district that seeks an allocation of state funds for a transitional bilingual instruction program shall submit a program approval application to the superintendent of public instruction no later than August 1 of each year. Provided, That in the case of extenuating circumstances or in the case of a change in circumstances such as the unexpected enrollment of eligible students the superintendent of public instruction may allow the belated submission of an application or the submission of a modification to a previously approved application. The application shall apply to programs to be conducted during the ensuing school year and shall provide data and information in accordance with instructions and forms now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-026, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-026, filed 6/13/84.]

WAC 392-160-027 Board approval. The district's annual application shall be approved by formal action of the district's board of directors.

[Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-027, filed 6/13/84.]

WAC 392-160-028 Content of district application. The districts annual application shall contain the following:

- (1) The number of eligible students served during the current school year and the estimated number to be served in

the next school year for each non-English primary language spoken;

(2) A description of the approved tests to be used in the next school year to determine student eligibility;

(3) The estimated number of students who will be enrolled during the next school year in a program funded pursuant to this chapter in excess of three school years (i.e., 540 school days or portions thereof). The numbers of such students shall be identified by the non-English primary language spoken and the type of program to be provided (i.e., bilingual or alternative instructional program);

(4) The number of students who have been enrolled in a program funded pursuant to this chapter in excess of three school years who are currently served identified by the non-English primary language spoken by each student and the type of program provided each student;

(5) A description of the bilingual instruction and alternative instructional programs planned for the next school year; and

(6) A description of the in-service training program that is planned for the next school year.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-028, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-028, filed 6/13/84.]

WAC 392-160-029 Program approval. Program approval by the superintendent of public instruction shall be as follows:

(1) Each application that is submitted as required by and pursuant to this chapter shall be approved: Provided, That approval of an application may be withheld in whole or part in the event the superintendent of public instruction deems it necessary to ascertain the completeness and accuracy of the application.

(2) Each school district shall be notified of program approval or disapproval, in whole or part, within thirty days after the date of receipt of the application by the superintendent of public instruction.

(3) Each application that is returned to a school district with approval withheld in whole or part shall be accompanied by an explanation of the reasons therefor and a statement of the corrective action necessary for approval.

[Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-029, filed 6/13/84.]

WAC 392-160-035 Three-year limitation—Testing—Program exit requirements. (1) No student shall continue to be entitled to a transitional bilingual or alternative instructional program after the student has received instruction in a transitional bilingual or alternative instructional program conducted pursuant to this chapter within any one or more school districts for a period of three school years (i.e., 540 school days or portions thereof): Provided, That each such student who is unable to demonstrate an improvement in English language skills that is sufficient to overcome the student's learning impairment (i.e., unable to score above the 35th percentile on an approved test) shall continue to be entitled to an approved bilingual instruction or alternative instructional program.

(2) The approved test for measurement of improvement in English language skills for purposes of exit from transi-

tional bilingual or alternative instructional programs shall be any nationally normed standardized achievement test normally administered by a school district to its students.

(3) No student shall be entitled to continued enrollment in a transitional bilingual or alternative program once the student has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the student's age and grade level.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-035, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-035, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-035, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-035, filed 6/17/80.]

WAC 392-160-040 Alternative instructional program. School districts under one or more of the following conditions may elect to provide an alternative instructional program:

(1) Necessary instructional materials are unavailable and the district has made reasonable efforts to obtain necessary materials without success;

(2) The capacity of the district's bilingual instruction program is temporarily exceeded by an unexpected increase in the enrollment of eligible students;

(3) Bilingual instruction cannot be provided affected students without substantially impairing their basic education program because of their distribution throughout many grade levels or schools, or both; or

(4) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

[Statutory Authority: Chapter 28A.180 RCW. 91-17-008 (Order 12), § 392-160-040, filed 8/12/91, effective 9/12/91. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-040, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-040, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-040, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-040, filed 6/17/80.]

WAC 392-160-045 Handicapped students—No transitional bilingual entitlement. Notwithstanding any other provision of this chapter to the contrary, any eligible student whose English language skill deficiency is caused primarily by one or more of the handicapping conditions defined in chapter 392-171 WAC, as now or hereafter amended, shall not be eligible for the entitlement established pursuant to this chapter.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-045, filed 10/2/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-045, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-045, filed 6/17/80.]

Chapter 392-162 WAC

SPECIAL SERVICE PROGRAM—LEARNING ASSISTANCE

WAC

392-162-005	Authority.
392-162-010	Purpose.
392-162-015	Definition—Basic skills.
392-162-020	Definition—Learning assistance program.

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392-162-032	Definition—Participating student.		
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392-162-034	Accelerated learning plans.		
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392-162-054	Definition—District eligibility and distribution of funds.		
392-162-060	District application.	392-162-057	Definition—Advisory committee. [Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-057, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-057, filed 10/22/87.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
392-162-062	Program plan revision.		
392-162-068	Program plan.		
392-162-072	Program plan—Approved activities.		
392-162-075	Program approval.		
392-162-080	Program requirement—Selection of students.	392-162-065	School board approval. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-065, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-065, filed 6/28/84.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
392-162-100	Program coordination.		
392-162-105	Program requirement—Program evaluation.		
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-162-030	Definition—Eligible students. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-030, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-030, filed 6/28/84.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.	392-162-070	Program requirement—District program plan. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-070, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-070, filed 6/28/84.] Repealed by 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.
392-162-035	Definition—Additional/supplemental services. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-035, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-035, filed 6/28/84.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.	392-162-085	Program requirement—Consultation with the "advisory committee." [Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-085, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-085, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-085, filed 6/28/84.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
392-162-040	Definition—Placement testing. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-040, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-040, filed 6/28/84.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.	392-162-090	Program requirement—Notification of parents. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-090, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-090, filed 6/28/84.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
392-162-042	Definition—Program options. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-042, filed 10/22/87.] Repealed by 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.	392-162-095	Program requirement—Allowable expenditures. [Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-095, filed 9/12/95, effective 10/13/95; 91-18-005 (Order 91-15), § 392-162-095, filed 8/23/91, effective 8/23/91; 87-22-001 (Order 87-14), § 392-162-095, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-095, filed 6/28/84.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.
392-162-043	Definition—School-wide project. [Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-043, filed 9/12/95, effective 10/13/95.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.		
392-162-044	Definition—Program plan. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-044, filed 10/22/87.] Repealed by 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.		
392-162-047	Definition—Basic skills test. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-162-047, filed 7/19/90, effective 8/19/90. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-047, filed 10/22/87.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.		
392-162-049	Definition—Needs assessment. [Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-049, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-049, filed 10/22/87.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.		
392-162-050	Definition—Accounting manual. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-050, filed 6/28/84.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.		
392-162-052	Definition—Indirect expenditures. [Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-052, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-052, filed 10/22/87.] Repealed by 07-02-015, filed 12/21/06, effective 1/21/07. Statutory Authority: RCW 28A.300.070.		
392-162-053	Definition—Direct expenditures. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-053, filed 10/22/87.] Repealed by 07-02-015, filed 12/21/06,		

WAC 392-162-005 Authority. The authority for this chapter is RCW 28A.165.075 which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program designed to provide learning assistance to public school students in grades kindergarten through eleven (grade twelve beginning with the 2007-08 school year) who are deficient in basic skills achievement.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-005, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-005, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-005, filed 6/28/84.]

WAC 392-162-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the administration of and to ensure district compliance with state requirements for a program designed to provide learning assistance to public school students in grades kindergarten through

eleven (grade twelve beginning with the 2007-08 school year) who are deficient in basic skills achievement.

The learning assistance program requirements in this chapter are designed to:

(1) Provide the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds;

(2) Promote the use of assessment data when developing programs to assist underachieving students; and

(3) Guide school districts in providing the most effective and efficient practices when implementing programs to assist underachieving students.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-010, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-010, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-010, filed 6/28/84.]

WAC 392-162-015 Definition—Basic skills. As used in this chapter, the term "basic skills" means reading, writing, and mathematics, as well as readiness associated with these skills.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-015, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-015, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-015, filed 6/28/84.]

WAC 392-162-020 Definition—Learning assistance program. As used in this chapter, the term "learning assistance program" means a statewide program designed to enhance educational opportunities for public school students in grades kindergarten through eleven (grade twelve beginning with the 2007-08 school year) who do not meet state standards.

"Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-020, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-020, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-020, filed 6/28/84.]

WAC 392-162-025 Definition—Assessments. As used in this chapter, the term "assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-025, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-025, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-025, filed 6/28/84.]

WAC 392-162-032 Definition—Participating student. As used in this chapter, the term "participating student" means a student in kindergarten through grade eleven (grade twelve beginning with the 2007-08 school year) who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

Beginning with the 2007-08 school year, "participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level

on the statewide assessments and who is identified in the approved plan to receive services.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-032, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-032, filed 10/22/87.]

WAC 392-162-033 Definition—Underachieving students. As used in this chapter, the term "underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-033, filed 12/21/06, effective 1/21/07.]

WAC 392-162-034 Accelerated learning plans. Accelerated learning plans are to be developed and implemented for participating students. Accelerated learning plans may be developed as part of an existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

- (1) Achievement goals for students;
- (2) Roles for the student(s), parents, or guardians and teachers in the plan;
- (3) Communication procedures regarding student(s) accomplishment; and
- (4) Plan review and adjustment processes.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-034, filed 12/21/06, effective 1/21/07.]

WAC 392-162-045 Definition—Approved program. As used in this chapter, the term "approved program" means a program meeting the required elements of this chapter and conducted pursuant to the program plan submitted by a district and approved by the superintendent of public instruction in accordance with WAC 392-162-075.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-045, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-045, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-20-088 (Order 84-47), § 392-162-045, filed 10/2/84; 84-14-038 (Order 84-21), § 392-162-045, filed 6/28/84.]

WAC 392-162-054 Definition—District eligibility and distribution of funds. Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the Biennial Appropriations Act. The distribution formula is for school district allocation purposes only. The distribution formula shall be based on one or more family income factors measuring economic need. In addition, increases in a school district's allocation above the 2004-05 school year level shall be directed as prescribed by the legislature (to grades nine and ten for the 2006-07 school year).

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-054, filed 12/21/06, effective 1/21/07.]

WAC 392-162-060 District application. Each district that seeks an allocation from the state for a learning assistance program shall submit an annual application, including the district program plan outlined in WAC 392-162-070, and

an annual expenditure plan for approval on electronic forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-060, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-060, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-060, filed 6/28/84.]

WAC 392-162-062 Program plan revision. A district may make periodic change(s) to the planning document during the school year if such change(s) is submitted to and approved by the superintendent of public instruction through the electronic application and revision process.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-062, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-062, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-062, filed 10/22/87.]

WAC 392-162-068 Program plan. By July 1st of each year, a participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval. Applications must be approved before funds are expended.

A school district must identify the program activities to be implemented from RCW 28A.165.035 and implement all of the elements in subsections (1) through (8) of this section. The school district plan shall include the following:

(1) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

(2) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

(3) Assurance that accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of an existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students;

(4) How state level and classroom assessments are used to inform instruction;

(5) How focused and intentional instructional strategies have been identified and implemented;

(6) How highly qualified instructional staff are developed and supported in the program and in participating schools;

(7) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

(8) How a program evaluation will be conducted to determine direction for the following school year.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-068, filed 12/21/06, effective 1/21/07.]

WAC 392-162-072 Program plan—Approved activities. Through the identification of best practices, which maximize the opportunities for student success, services and activities which support the learning assistance program include:

(2007 Ed.)

(1) Extended learning time through extended day, week or year activities;

(2) Professional development for certificated and classified staff that focuses on the needs of diverse student populations, specific literacy and mathematics content and instructional strategies, and the use of student work to guide effective instruction;

(3) Consultant teacher to assist in implementing effective instructional practices by teachers serving participating students;

(4) Tutoring support for participating students; and

(5) Outreach activities and support for parents of participating students.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-072, filed 12/21/06, effective 1/21/07.]

WAC 392-162-075 Program approval. A participating school district shall annually submit a program plan to the office of the superintendent of public instruction for approval. The program plan must address all of the elements in RCW 28A.165.025 and identify the program activities to be implemented from RCW 28A.165.035.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

The superintendent of public instruction shall review and approve each district's program. A district's learning assistance program shall not be implemented prior to approval.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-075, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-075, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-075, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-075, filed 6/28/84.]

WAC 392-162-080 Program requirement—Selection of students. Students selected to participate in the learning assistance program shall be limited to those who:

(1) Are enrolled in grades kindergarten through eleven (grade twelve beginning with the 2007-08 school year);

(2) Are performing below the state standard for his or her grade level;

(3) Have been identified in the approved district plan to receive services; and

(4) Have been determined to have the greatest risk of not meeting the state's challenging content and performance standards.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-080, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 95-19-031

(Order 95-08), § 392-162-080, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-080, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-080, filed 6/28/84.]

WAC 392-162-100 Program coordination. School districts may coordinate federal, state, and local programs in order to serve the maximum number of students who are below grade level in basic skills. Students receiving assistance in another special needs program may also be served in the learning assistance program if they meet student eligibility and selection requirements as identified in WAC 392-162-032 and 392-162-080.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-100, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-100, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-100, filed 6/28/84.]

WAC 392-162-105 Program requirement—Program evaluation. Evaluation procedures as outlined in WAC 392-162-110 shall be used annually by districts to evaluate the educational achievement of students receiving recommended services in the learning assistance program. Such evaluation for school districts in district improvement, or with one or more schools in school improvement status, shall review and evaluate program success in alignment with state and federal program school improvement program requirements.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-105, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 95-19-032 (Order 95-09), § 392-162-105, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-105, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-105, filed 6/28/84.]

WAC 392-162-110 Program requirement—End of year report. Districts shall submit to the superintendent of public instruction at the close of the state fiscal year an end of the year report on electronic forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-110, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-110, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-110, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-110, filed 6/28/84.]

WAC 392-162-112 Carry over of funds. Districts may carry over from one year to the next up to ten percent of the LAP funds—state or education legacy trust funds allocated under this program; however, carry over funds shall be expended for the learning assistance program.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-112, filed 12/21/06, effective 1/21/07.]

WAC 392-162-115 Monitoring of districts. In order to insure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor district programs no less than once every four years by using the state program review process. Individual student records shall be maintained at the school district.

[Statutory Authority: RCW 28A.300.070. 07-02-015, § 392-162-115, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-115, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-115, filed 6/28/84.]

Chapter 392-163 WAC

SPECIAL SERVICE PROGRAM—TITLE I GRANTS FOR IMPROVING LEA BASIC PROGRAMS

WAC

392-163-700	Authority.
392-163-705	Purpose.
392-163-710	Adopting the terms and conditions of federal funding by reference.
392-163-715	Obtaining copies of federal statutes and rules.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-163-005	Authority and purpose. [Order 7-75, § 392-163-005, filed 12/22/75. Formerly WAC 392-98-005.] Repealed by 83-17-060 (Order 83-8), filed 8/17/83. Statutory Authority: RCW 28A.02.100.
392-163-010	Eligible participants. [Order 7-75, § 392-163-010, filed 12/22/75. Formerly WAC 392-98-010.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-015	Ancillary services. [Order 7-75, § 392-163-015, filed 12/22/75. Formerly WAC 392-98-015.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-020	Size and scope of activity. [Order 7-75, § 392-163-020, filed 12/22/75. Formerly WAC 392-98-020.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-025	Construction and remodeling. [Order 7-75, § 392-163-025, filed 12/22/75. Formerly WAC 392-98-025.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-030	Field trips. [Order 7-75, § 392-163-030, filed 12/22/75. Formerly WAC 392-98-030.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-035	Notification of parents. [Order 7-75, § 392-163-035, filed 12/22/75. Formerly WAC 392-98-035.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-040	Nonpublic student involvement. [Order 7-75, § 392-163-040, filed 12/22/75. Formerly WAC 392-98-040.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-045	Local education agency parent advisory council. [Order 7-75, § 392-163-045, filed 12/22/75. Formerly WAC 392-98-045.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-050	School parent advisory councils. [Order 7-75, § 392-163-050, filed 12/22/75. Formerly WAC 392-98-050.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-055	PAC grievance procedures. [Order 7-75, § 392-163-055, filed 12/22/75. Formerly WAC 392-98-055.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-060	State advisory committee—Purpose. [Order 7-75, § 392-163-060, filed 12/22/75. Formerly WAC 392-98-060.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-065	Administrative costs. [Order 7-75, § 392-163-065, filed 12/22/75. Formerly WAC 392-98-065.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-070	In-service training. [Order 7-75, § 392-163-070, filed 12/22/75. Formerly WAC 392-98-070.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-075	Approval of projects. [Order 7-75, § 392-163-075, filed 12/22/75. Formerly WAC 392-98-075.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-080	Evaluation. [Order 7-75, § 392-163-080, filed 12/22/75. Formerly WAC 392-98-080.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-163-085	Disposition of property. [Order 7-75, § 392-163-085, filed 12/22/75. Formerly WAC 392-98-085.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-100	Authority. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-163-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-100, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		(Order 83-2), § 392-163-170, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-105	Purpose. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-105, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-105, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-105, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-175	Definition—Complaint. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-175, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-175, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-110	Public policy. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-110, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-110, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-110, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-180	Definition—Consultation with parents, teachers, and other interested parties. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-180, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-180, filed 10/2/84; 83-17-060 (Order 83-8), § 392-163-180, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-180, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-115	Accountability. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-115, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-115, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-115, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-185	Definition—Continuing need of special assistance. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-185, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-185, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-120	Definition—Academic area of focus. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-120, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-120, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-120, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-186	Definition—Eligible student. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-186, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-125	Definition—Accounting manual. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-125, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-125, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-125, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-190	Definition—Desired outcomes. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-190, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-190, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-130	Definition—Activity. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-130, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-130, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-130, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-195	Definition—Direct expenditure. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-195, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-195, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-135	Definition—Advanced skills. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-135, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-135, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-200	Definition—Educationally deprived children. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-200, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-200, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-140	Definition—Aggregate performance. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-140, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-140, filed 10/2/84; 83-17-060 (Order 83-8), § 392-163-140, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-140, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-205	Definition—Eligible student. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-205, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-205, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-142	Definition—Indirect expenditure. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-142, filed 10/2/84; 83-17-060 (Order 83-8), § 392-163-142, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-142, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-210	Definition—Equivalence. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-210, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-210, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-145	Definition—School attendance area. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-145, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-145, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-145, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-215	Definition—Full-time equivalent (FTE) staff. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-215, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-215, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-150	Definition—Capital expenses. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-150, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-220	Definition—Full-time equivalent (FTE) student. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-220, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-220, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-155	Definition—Carryover. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-155, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-225	Definition—Grade span grouping. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-225, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-225, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-160	Definition—Chapter 1 Regular. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-160, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-230	Definition—Greatest need of special assistance. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-230, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-230, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-165	Definition—Children. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-165, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-235	Definition—Homeless. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-235, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-235, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-170	Definition—Comparability. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-170, filed 10/13/92, effective 11/13/92; 83-08-030	392-163-236	Definition—Participating children. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-236, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-163-237	Definition—Continuing need of special assistance. [Statutory Authority: RCW 28A.02.100. 84-20-089

	(Order 84-49), § 392-163-237, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.		
392-163-240	Definition—Indirect expenditure. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-240, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-240, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-310	Definition—Similar services. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-310, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-310, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-310, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-245	Definition—Instructional staff. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-245, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-245, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-315	Definition—Supplement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-315, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-315, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-250	Definition—Low-income children. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-250, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-250, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-320	Definition—Support services. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-320, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-320, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-320, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-255	Definition—Objective measurement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-255, filed 10/13/92, effective 11/13/92; 83-17-060 (Order 83-8), § 392-163-255, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-255, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-322	Three-year assurances. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-322, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-260	Definition—Object of expenditure. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-260, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-260, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-260, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-325	Definition—Unforeseen conditions. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-325, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-325, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-265	Definition—Parent. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-265, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-265, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-330	Board approval. [Statutory Authority: RCW 28A.02.-100. 83-08-030 (Order 83-2), § 392-163-330, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-270	Definition—Participating children. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-270, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-270, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-335	Board certification. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-335, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-335, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-275	Definition—Preschool children. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-275, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-275, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-340	Budget revision—Ten percent allowed. [Statutory Authority: RCW 28A.02.100. 91-18-040 (Order 91-20), § 392-163-340, filed 8/30/91, effective 8/30/91; 83-08-030 (Order 83-2), § 392-163-340, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-280	Definition—Program. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-280, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-280, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-345	Budget revisions—Updating planned expenditures. [Statutory Authority: RCW 28A.02.100. 91-18-040 (Order 91-20), § 392-163-345, filed 8/30/91, effective 8/30/91; 83-08-030 (Order 83-2), § 392-163-345, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-285	Definition—Program that is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special academic needs of children being served. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-285, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-350	Budget revision—Approval. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-350, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-290	Definition—Project. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-290, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-355	Program update. [Statutory Authority: RCW 28A.02.-100. 91-18-040 (Order 91-20), § 392-163-355, filed 8/30/91, effective 8/30/91; 83-08-030 (Order 83-2), § 392-163-355, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-295	Definition—Regular program. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-295, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-360	Supervisory expenditures. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-360, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-360, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-299	Selection of attendance areas for districts with under one thousand students—Program exemption. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-299, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-362	Reallocation of Chapter 1 Regular moneys in excess of a prudent and justifiable reserve. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-362, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-300	Definition—Revenue account. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-300, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-300, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-300, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-363	Reallocation of Chapter 1 Regular moneys—Waiver of limit. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-363, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-305	Definition—Service model. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-305, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-305, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-305, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-364	Reallocation of Chapter 1 Regular moneys—Application for available excess carryover. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-364, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-306	Serving students in greatest need—Program requirement. [Statutory Authority: RCW 28A.02.100. 84-20-	392-163-365	End-of-year report—Annual requirement. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-365, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-365, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-163-370	End-of-year report—Summer school addendum. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order

392-163-375	83-2), § 392-163-370, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96. Program evaluation. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-375, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-375, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-460	83-2), § 392-163-455, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96. Serving students in greatest need—Program requirement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-460, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-460, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-460, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-385	Comparability of services—Computation basis. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-385, filed 10/2/84; 83-17-060 (Order 83-8), § 392-163-385, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-385, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-465	Student needs. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-465, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-465, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-390	Comparability of services maintained. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-390, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-470	Notification of parents. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-470, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-400	Annual needs assessment—Program requirement. [Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-400, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-400, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-400, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-475	School district application required. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-475, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-405	Allocation of resources to program areas and schools. [Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-405, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-405, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-405, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-480	Substance of annual school district application. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-480, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-410	Selection of attendance areas for districts with under one thousand students—Program exemption. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-410, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-410, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-485	Annual assurances. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-485, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-415	Selection of attendance areas—Program requirement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-415, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-415, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-490	Planned expenditures by program object and activity. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-490, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-420	Services for homeless children. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-420, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-420, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-495	Board approval. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-495, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-425	Parent involvement—Program requirement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-425, filed 10/13/92, effective 11/13/92; 83-17-060 (Order 83-8), § 392-163-425, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-425, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-500	Approval of Chapter 1 Regular program application by the office of the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-500, filed 10/13/92, effective 11/13/92; 83-17-060 (Order 83-8), § 392-163-500, filed 8/17/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-430	Acquisition, control and disposition of property. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-430, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-505	Budget revision—Ten percent allowed. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-505, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-435	Program compliance review. [Statutory Authority: RCW 28A.02.100. 91-18-040 (Order 91-20), § 392-163-435, filed 8/30/91, effective 8/30/91; 84-20-089 (Order 84-49), § 392-163-435, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-510	Budget revisions—Updating planned expenditures. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-510, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-440	Program improvement. [Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-440, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-440, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-440, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-515	Budget revision—Approval. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-515, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-445	Program improvement plan. [Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-445, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-445, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-445, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-520	Program update. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-520, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-450	Program improvement joint plan. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-450, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-450, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-163-525	Supervisory expenditures. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-525, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-163-455	Student improvement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-455, filed 10/13/92, effective 11/13/92; 83-08-030 (Order	392-163-530	Reallocation of Chapter 1 Regular moneys in excess of fifteen percent carryover. [Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-530, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-530, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-163-535	Reallocation of Chapter 1 Regular moneys—Waiver of limit. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-535, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-163-540	Reallocation of Chapter 1 Regular moneys—Application for available excess carryover. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-540, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

- 392-163-545 Program evaluation. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-545, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-550 End-of-year report—Annual requirement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-550, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-555 End-of-year report—Summer school addendum. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-555, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-560 Comparability of services—Computation basis. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-560, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-565 Comparability of services maintained. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-565, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-570 Comparability of services—Completed forms on file. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-570, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-575 Maintenance of effort. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-575, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-580 Maintenance of effort—Computations. [Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-580, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-580, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-585 Maintenance of effort—Failure to maintain effort. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-585, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-590 Acquisition, control, and disposition of property. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-590, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-595 Construction and portable lease/purchase. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-595, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-600 Capital expenses for serving private schools. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-600, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-605 Distribution of Chapter 1 Regular moneys to local school districts. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-605, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-610 Program compliance review. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-610, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-615 Chapter 1 Regular audit. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-615, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-620 Complaint procedure. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-620, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-625 Sanctions. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-625, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-630 Compliance agreement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-630, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-635 Withholding of Chapter 1 Regular payments. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-635, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

- 392-163-640 Committee of practitioners. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-640, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-645 State advisory council. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-645, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

WAC 392-163-700 Authority. The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

[Statutory Authority: RCW 28A.300.070. 96-19-097 (Order 96-16), § 392-163-700, filed 9/18/96, effective 10/19/96.]

WAC 392-163-705 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with the financial assistance provisions of Title I of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994, for improving basic programs operated by local education agencies (20 U.S.C. sections 6311 through 6338 and 8891 through 8904).

[Statutory Authority: RCW 28A.300.070. 96-19-097 (Order 96-16), § 392-163-705, filed 9/18/96, effective 10/19/96.]

WAC 392-163-710 Adopting the terms and conditions of federal funding by reference. All grants of federal Title I moneys for improving basic programs operated by local educational agencies, including the expenditure of such moneys, shall be subject to the terms and conditions of 20 U.S.C. sections 6311 through 6338 and 8891 through 8904, and the terms and conditions of 34 C.F.R. sections 200.1 through 200.28 and 200.60 through 200.65, which are hereby adopted by the foregoing references as rules of the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 96-19-097 (Order 96-16), § 392-163-710, filed 9/18/96, effective 10/19/96.]

WAC 392-163-715 Obtaining copies of federal statutes and rules. Copies of the federal Title I statutes and administrative rules referenced by WAC 392-163-710 may be obtained from the office of the superintendent of public instruction, Olympia, Washington.

[Statutory Authority: RCW 28A.300.070. 96-19-097 (Order 96-16), § 392-163-715, filed 9/18/96, effective 10/19/96.]

Chapter 392-164 WAC

SPECIAL SERVICES PROGRAM—CHAPTER 1 MIGRANT OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES

WAC

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392-164-160	Children—Definition.		
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392-164-180	Other subgrantee—Definition.		
392-164-185	Object of expenditure—Definition.		
392-164-190	Activity—Definition.		
392-164-195	Indirect expenditure—Definition.	392-164-035	Student identification. [Order 7-75, § 392-164-035, filed 12/22/75. Formerly WAC 392-96-035.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-200	Direct expenditure—Definition.		
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392-164-210	Supplement—Definition.	392-164-040	Student insurance. [Order 7-75, § 392-164-040, filed 12/22/75. Formerly WAC 392-96-040.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-215	Operating agency—Definition.		
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392-164-225	Academic instruction—Definition.		
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392-164-235	Consultation with parents and teachers of participating children—Definition.	392-164-045	Property, facilities, and equipment. [Order 7-75, § 392-164-045, filed 12/22/75. Formerly WAC 392-96-045.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-240	Definition—Participating children.		
392-164-245	Annual needs assessment.	392-164-050	Project descriptions. [Order 7-75, § 392-164-050, filed 12/22/75. Formerly WAC 392-96-050.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-250	Service priorities.		
392-164-255	Application required.		
392-164-260	Substance of annual application.		
392-164-265	Basis of project planning and funding.		
392-164-270	Board approval.	392-164-055	Day care. [Order 7-75, § 392-164-055, filed 12/22/75. Formerly WAC 392-96-055.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-275	Board certification.		
392-164-280	Supervisory costs.		
392-164-285	Approval of Chapter 1 Migrant project applications for a subgrant by the superintendent of public instruction.	392-164-060	Local parent advisory councils. [Order 7-75, § 392-164-060, filed 12/22/75. Formerly WAC 392-96-060.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-290	Amount of subgrant.		
392-164-295	Effect of approval.	392-164-065	Local parent advisory council appeal process for projects. [Order 7-75, § 392-164-065, filed 12/22/75. Formerly WAC 392-96-065.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-300	Budget revision—Ten percent allowed.		
392-164-305	Budget revisions—Updating planned expenditures.		
392-164-310	Budget revision—Approval.		
392-164-315	Program update.		
392-164-320	Identification of migratory children.	392-164-070	Local parent advisory council appeal process for PAC. [Order 7-75, § 392-164-070, filed 12/22/75. Formerly WAC 392-96-070.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-325	Student accident insurance.		
392-164-330	Construction and portable lease/purchase.		
392-164-335	Property, facilities, and equipment.		
392-164-340	Day care.		
392-164-345	Preschool services.		
392-164-350	Fiscal requirements.	392-164-075	Grievance procedure. [Order 7-75, § 392-164-075, filed 12/22/75. Formerly WAC 392-96-075.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-355	Chapter 1 Migrant audit.		
392-164-360	Notification of parents.		
392-164-365	Local parent advisory councils—Composition and procedures.	392-164-080	State advisory committee. [Order 7-75, § 392-164-080, filed 12/22/75. Formerly WAC 392-96-080.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-368	Consultation with parents.		
392-164-370	Annual meeting of parents.		
392-164-375	State advisory committee.		
392-164-380	Report of services—Annual requirement.	392-164-085	Accountability. [Order 7-75, § 392-164-085, filed 12/22/75. Formerly WAC 392-96-085.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-385	Report of services—Summer school addendum.		
392-164-390	Program evaluation.		
392-164-395	Project program and budget revisions.		
392-164-400	Program compliance review.	392-164-090	Administrative costs. [Order 7-75, § 392-164-090, filed 12/22/75. Formerly WAC 392-96-090.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-405	Subgrantee accountability.		
392-164-410	Withholding of Chapter 1 Migrant payments.		
392-164-415	Compliance agreement.		
392-164-420	General requirements for new program.	392-164-095	Fiscal constraints. [Order 7-75, § 392-164-095, filed 12/22/75. Formerly WAC 392-96-095.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-425	Subgrant allocation formula.		
392-164-430	Supply purchase.		

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-164-005	Introduction. [Order 7-75, § 392-164-005, filed 12/22/75. Formerly WAC 392-96-005.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-010	Purposes. [Order 7-75, § 392-164-010, filed 12/22/75. Formerly WAC 392-96-010.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-015	Definitions. [Statutory Authority: RCW 28A.03.030(1) and (3), 28A.02.100 and PL 89-750. 78-08-037 (Order 6-78), § 392-164-015, filed 7/18/78; Order 7-75, § 392-164-015, filed 12/22/75. Formerly WAC 392-96-015.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-020	Eligibility requirements. [Order 7-75, § 392-164-020, filed 12/22/75. Formerly WAC 392-96-020.] Repealed

WAC 392-164-100 Authority. The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-164-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-100, filed 6/20/88.]

WAC 392-164-105 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with provisions governing financial assistance to local school dis-

tricts and other subgrantee's of Chapter 1 Migrant of the Elementary and Secondary School Improvement amendments of 1988 and accompanying federal rules and regulations, particularly 34 CFR Parts 200, 201, and 203 and 74.60-61 and Appendix 76.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-105, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-105, filed 6/20/88.]

WAC 392-164-115 Accountability. Nothing in this chapter shall be construed to relieve a local school district or other subgrantee of its responsibility to comply also with all applicable federal statutes, rules, and regulations including but not limited to provisions of time and effort found in OMB Circular A-87, attachment B, paragraph (B)(10).

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-115, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-115, filed 6/20/88.]

WAC 392-164-120 Chapter 1 Migrant—Definition. As used in this chapter, the term "Chapter 1 Migrant" means that part of Public Law 100-97 and subsequent amendments, commonly referred to as Chapter 1 of the Elementary and Secondary School Improvement amendments of 1988, which provide financial assistance to state educational agencies to meet special educational needs of migratory children.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-120, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-120, filed 6/20/88.]

WAC 392-164-125 Agricultural activity—Definition. As used in this chapter, the term "agricultural activity" means any of the following:

- (1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence.
- (2) Any activity directly related to the cultivation or harvesting of trees.
- (3) Any activity directly related to fish farms.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-125, filed 6/20/88.]

WAC 392-164-130 Fishing activity—Definition. As used in this chapter, the term "fishing activity," means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-130, filed 6/20/88.]

WAC 392-164-135 Migratory agricultural worker—Definition. As used in this chapter, the term "migratory agricultural worker" means a person who has moved within the past twelve months from one school district to another to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-135, filed 6/20/88.]

[Title 392 WAC—p. 232]

WAC 392-164-140 Migratory fisher—Definition. As used in this chapter, the term "migratory fisher" means a person who has moved within the past twelve months from one school district to another to enable him or her to obtain temporary or seasonal employment in a fishing activity.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-140, filed 6/20/88.]

WAC 392-164-145 Currently migratory child—Definition. As used in this chapter, the term "currently migratory child" means a child:

- (1) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and
- (2) Who has moved within the past twelve months from one school district to another to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-145, filed 6/20/88.]

WAC 392-164-150 Formerly migratory child—Definition. As used in this chapter, the term "formerly migratory child" means a child who:

- (1) Was eligible to be counted and served as a currently migratory child within the past five years regardless of whether or not such child actually received service as a migratory child, but is not now a currently migratory child;
- (2) Resides in the area served by the agency carrying out a Chapter 1 Migrant education program or project; and
- (3) Has on file a certificate of eligibility revalidated yearly by the signature of his or her parent or guardian certifying such child as a formerly migratory child.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-150, filed 6/20/88.]

WAC 392-164-155 Migratory children—Definition. As used in this chapter, the term "migratory children" means children who qualify under either the definition of "currently migratory child" or "formerly migratory child" defined in this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-155, filed 6/20/88.]

WAC 392-164-160 Children—Definition. As used in this chapter, the term "children" means persons up to age twenty-one who are entitled to a free public education not above grade twelve and preschool children: Provided, That a child who reaches the age of twenty-one during a school year in which such child is receiving migrant services shall be considered eligible for services until the end of the school year.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-160, filed 6/20/88.]

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WAC 392-164-165 Preschool children—Definition.

As used in this chapter, "preschool children" means children who are:

- (1) Below the age and grade level at which the state provides free public education; and
- (2) Of the age or grade level at which they can benefit from an organized educational program provided in a school or instructional setting: Provided, That such children shall not be younger than three years of age.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-165, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-165, filed 6/20/88.]

WAC 392-164-170 Eligible migratory children—

Definition. As used in this chapter, the term "eligible migratory children" means migratory children determined to be eligible by a local school district or other subgrantee on the basis of credible information from any source, including that provided by the child or his or her parent or guardian: Provided, That only those migratory children with a signed, validated certificate of eligibility on file with the school district shall be served in the migrant program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-170, filed 6/20/88.]

WAC 392-164-175 Guardian—Definition. As used in this chapter, the term "guardian" means a person who:

- (1) Has been appointed to be the legal guardian of a child through formal proceedings in accordance with state law;
- (2) Would qualify as a legal guardian of a particular child under Washington state law if formal guardianship proceedings were undertaken; or
- (3) Is standing in the place of a parent to a child by virtue of the fact that, with apparent parental consent, the child resides with such person: Provided, That if no objection has been filed to such residency, parental consent may be presumed.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-175, filed 6/20/88.]

WAC 392-164-180 Other subgrantee—Definition. As used in this chapter, the term "other subgrantee" means the government, nonprofit, or other legal entity to which the state as grantee awards a subgrant, and which is accountable to the state for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-180, filed 6/20/88.]

WAC 392-164-185 Object of expenditure—Definition. As used in this chapter, the term "object of expenditure" means an article purchased or a service obtained, coded appropriately on the program budget matrix (FORM SPI F-1000B) and referred to for accounting purposes as the third field of uniform expenditure classification.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-185, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-185, filed 6/20/88.]

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WAC 392-164-190 Activity—Definition. As used in this chapter, the term "activity(ies)," when used in the context of budgeting provisions, means a specific line of work carried on by the school district or other subgrantee coded appropriately on the program budget matrix (FORM SPI F-1000B) and referred to for accounting purposes as the second field of uniform expenditure classification.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-190, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-190, filed 6/20/88.]

WAC 392-164-195 Indirect expenditure—Definition.

As used in this chapter, the term "indirect expenditure" means those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs and are allowable costs pursuant to 34 CFR 204.22 "Allowable costs," i.e., "project activities that:

- (1) Are designed to meet the special educational needs of the children eligible to be served . . . ;
- (2) Are included in an approved application; and
- (3) Comply with all requirements applicable to Chapter 1 programs.

(b) The project activities may include applicable activities in section 555(c) of Chapter 1."

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-195, filed 6/20/88.]

WAC 392-164-200 Direct expenditure—Definition.

As used in this chapter, the term "direct expenditure" means that part of program-allowed total expenditures that appear on the budget matrix under allowed combinations of activities and objects of expenditures.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-200, filed 6/20/88.]

WAC 392-164-205 Service model—Definition.

As used in this chapter, the term "service model" means the location, time and conditions characteristic of the method(s) chosen by a school district for delivery of Chapter 1 Migrant instructional and/or support services. Permissible models are those described in the annual application instructions.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-205, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-205, filed 6/20/88.]

WAC 392-164-210 Supplement—Definition. As used in this chapter, the term "supplement" shall be defined as instructional or support services for migratory children funded with Chapter 1 Migrant moneys, and offered by a school district in addition to required basic educational services funded with nonfederal moneys and services required by law funded with other federal or nonfederal funds. Such supplemental services shall be designed and implemented in accordance with service models described in Chapter 1 Migrant annual application instructions and shall meet the supplement/supplant tests appropriate to each model.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-210, filed 6/20/88.]

WAC 392-164-215 Operating agency—Definition.

As used in this chapter, the term "operating agency" means:

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(1) A local school district to which the superintendent of public instruction makes a subgrant of migrant education program funds;

(2) A public or nonprofit private agency with which the superintendent of public instruction makes an arrangement to carry out a migrant education project; or

(3) The superintendent of public instruction, if the superintendent of public instruction operates the state's migrant education program or projects directly.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-215, filed 6/20/88.]

WAC 392-164-220 Project—Definition. As used in this chapter, the term "project" means those services, activities, personnel, and materials provided to migratory children by the superintendent of public instruction either directly or indirectly through a local school district or by some other subgrantee as a legally approved contract.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-220, filed 6/20/88.]

WAC 392-164-225 Academic instruction—Definition. As used in this chapter, the term "academic instruction" means reading, oral language development, language arts, mathematics, basic and advanced skills: Provided, That other areas of basic education instruction identified in RCW 28A.150.220, Basic Education Act, may be included if appropriate to the state and local plans approved pursuant to WAC 392-164-285.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-225, filed 10/20/93, effective 11/20/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-164-225, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-225, filed 6/20/88.]

WAC 392-164-230 Greatest need of special assistance—Definition. As used in this chapter, the term "greatest need of special assistance" means those eligible migratory children, as defined in WAC 392-164-170, who have been identified on the basis of established selection criteria, including objective measurement of educational achievement, as demonstrated by written and oral tests if reasonable, as in the greatest need of special assistance.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-230, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-230, filed 6/20/88.]

WAC 392-164-235 Consultation with parents and teachers of participating children—Definition. As used in this chapter, the term "consultation with parents and teachers of participating children" means:

(1) Establishment by the local school district of a parent advisory council;

(2) Active solicitation of parent involvement in the planning, design, and evaluation of the migrant education program, including discussion of program revenues and expenditures; and

(3) Similar involvement of teachers of children being served.

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[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-235, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-235, filed 6/20/88.]

WAC 392-164-240 Definition—Participating children. As used in this chapter, the term "participating children" means those eligible migratory children in greatest need of special assistance, as determined on the basis of established selection criteria, who are selected to receive services in the Chapter 1 Migrant program.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-240, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-240, filed 6/20/88.]

WAC 392-164-245 Annual needs assessment. Operating agencies that receive Chapter 1 Migrant education program funds shall base their Chapter 1 Migrant education program and projects on an annual assessment of educational needs which meets the following criteria:

(1) Identifies migratory children who are eligible to be served under WAC 392-164-170;

(2) Requires, consistent with the service priorities in WAC 392-164-250, the selection of those migratory children in the greatest need of special assistance; and

(3) Determines the educational needs of the children selected to participate with sufficient specificity to ensure concentration on those needs.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-245, filed 6/20/88.]

WAC 392-164-250 Service priorities. Operating agencies shall serve eligible migratory children—according to their needs—in the following order:

(1) School-aged currently migratory children.

(2) School-aged formerly migratory children.

(3) Preschool currently migratory children.

(4) Preschool formerly migratory children.

(5) Provided, That if in order to provide Chapter 1 Migrant instructional services to school-aged currently migratory children, it would be necessary to provide day care or similar services to preschool-aged currently migratory children, and no other funds—other than Chapter 1 Migrant funds—are available for that purpose, or an operating agency may provide Chapter 1 Migrant instructional services instead of day care services to those preschool children as if those children had a priority higher than school-age formerly migratory children.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-250, filed 6/20/88.]

WAC 392-164-255 Application required. Each local school district or other subgrantee that seeks an allocation of federal funds under Chapter 1 Migrant shall submit an annual application by November 30 on forms provided by the superintendent of public instruction. No application submitted after November 30 will be considered for the current school year.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-255, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-255, filed 6/20/88.]

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WAC 392-164-260 Substance of annual application.

The local school district's or other subgrantee's annual application shall include:

(1) A description of the Chapter 1 Migrant education project to be conducted, based on local needs assessment will include the following:

- (a) The services and types of programs to be provided.
- (b) The number of children to be served in total and for each service.
- (c) The types and number of staff to be employed.
- (d) Advanced skills which include reasoning, analysis, interpretation, problem-solving, and decision making as they relate to particular subjects.

(e) Desired outcomes expressed in measurable terms for all aspects of the migrant program including support services and early childhood.

(f) A separate summary of the project components designed to meet unmet needs of currently migratory children expected to be served.

(2) An appropriate budget displayed on FORM SPI F-1000B.

(3) The assurances in section 556(b)(2) through (b)(5) of Chapter 1 of the Elementary and Secondary School Improvement amendments of 1988.

(4) The assurances in section 436(b)(2) and (b)(3) of the General Education Provisions Act.

(5) The state-developed assurances included in the application.

(6) Services, site, and use of facilities and equipment to be purchased.

(7) A description of the local school district's or other subgrantee's plan for involving parents of migratory children in the planning, implementation, and evaluation of the project.

(8) Descriptive outcomes for all migrant children in terms of advanced skills.

(9) A description of how the district will remediate the unmet needs of currently migratory children.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-260, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-260, filed 6/20/88.]

WAC 392-164-265 Basis of project planning and funding. The local school district or other subgrantee and the superintendent of public instruction shall consider the following factors in project planning and approval for funding.

(1) An operating agency's project shall:

(a) Satisfy the provisions of the approved state plan submitted by the superintendent of public instruction to the secretary of education;

(b) Be planned and implemented based on the number and specific needs of participating, eligible migratory students;

(c) Be of sufficient size and scope as determined pursuant to WAC 392-164-275 to meet the needs of the eligible migratory students to be served;

(d) Be funded in relationship to:

(i) The migrant student records and transfer system (MSRTS) reports on full-time equivalent migratory students to determine the number and status of migratory students enrolled on the MSRTS as compared to previous years'

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enrollment and with other local school districts and operating agencies within Washington state;

(ii) Data contained in the report of services filed with the superintendent of public instruction to determine continuity of services and projected number of participants versus the number of migratory students actually served over time;

(iii) The number of students served in supplemental programs by the operating agency to determine whether planning information and proposed services are consistent with one another and if funds requested are intended to support a new project;

(iv) Monitoring reports to determine if the local school district or subgrantee has incorporated recommendations to remedy weaknesses in previous projects into their current proposal;

(v) Expenditure claims for the immediately preceding and current year to determine if the amount requested is realistic in light of the rate of expenditure in the current year;

(vi) State plan to determine whether the scope of services planned at the local school district or subgrantee level is within approved state priorities; and

(vii) Migrant student records transfer system and migrant education regional office reports to determine the needs, strengths and weaknesses of the proposal based on information gathered in visits for reports, training, and district profiles.

(2) No project shall be established solely for formerly migratory children.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-265, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-265, filed 6/20/88.]

WAC 392-164-270 Board approval. Each annual application submitted by a local school district or other subgrantee to the superintendent of public instruction shall be approved by the board of directors only after the board has reviewed the program design and expenditures and considered each of the following:

(1) Previous year's planned expenditures and total Chapter 1 Migrant moneys requested for the ensuing year (July 1 through June 30);

(2) Evaluation results in terms of student achievement data from the previous year's program, and, when available, whether gains have been sustained over a period of one year;

(3) Results of the annual needs assessment; and

(4) The adequacy of parent/teacher consultation in the planning and implementation of the program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-270, filed 6/20/88.]

WAC 392-164-275 Board certification. The board of directors shall, as a part of application approval, certify to the superintendent of public instruction that in their opinion:

(1) The local school district or other subgrantee has included among the migratory children to be served, those children in greatest need of special assistance;

(2) The approved program is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served; and

(3) The school district or other subgrantee has complied with the provisions of this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-275, filed 6/20/88.]

WAC 392-164-280 Supervisory costs. Support for supervisory costs related to educational services provided under this chapter shall be clearly supplemental to costs of regular supervisory activities and responsibilities of the operating agency.

(1) All direct supervisory support requested shall be documented and submitted along with the project application.

(2) A local school district or other subgrantee may claim the indirect expenditure rate defined in WAC 392-164-195 in addition to budgeting for direct supervisory expenditures subject to the approval of the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-280, filed 6/20/88.]

WAC 392-164-285 Approval of Chapter 1 Migrant project applications for a subgrant by the superintendent of public instruction. (1) Final approval of a Chapter 1 Migrant project shall be given to a local school district or other subgrantee when the superintendent of public instruction has received a completed application in accordance with WAC 392-164-260 and 392-164-265 and is assured that the local school district or other subgrantee has satisfied all yearly reporting requirements and compliance agreements from the previous year, unless the agreement extends into the current year.

(2) Programs shall not be implemented without prior approval from the superintendent of public instruction. The effective approval date shall be July 1 of each year for complete applications received prior to July 1, or the subsequent date on which the complete application is received by the superintendent of public instruction provided it is before November 30 of the current year.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-285, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-285, filed 6/20/88.]

WAC 392-164-290 Amount of subgrant. The superintendent of public instruction shall determine the amount of a subgrant to a local school district or other subgrantee based on the following factors:

- (1) The number of children to be served;
- (2) The nature, scope, and cost of the proposed project; and

(3) Any other relevant criteria developed by the superintendent consistent with the provisions of WAC 392-164-250, including the priorities in the approved state plan concerning ages and grade levels of children to be served, areas of the state to be served, and types of services to be provided.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-290, filed 6/20/88.]

[Title 392 WAC—p. 236]

WAC 392-164-295 Effect of approval. Approval by the superintendent of public instruction of a project application under this chapter requires the local school district or other subgrantee to administer and operate its project in accordance with its application, any amendments, and project requirements of this chapter. That approval, however, does not create for the local school district or other subgrantee an entitlement to receive a subgrant for a period other than the fiscal year for which approval is given.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-295, filed 6/20/88.]

WAC 392-164-300 Budget revision—Ten percent allowed. Using either an object or activity subtotal from FORM SPI F-1000B. School districts or other subgrantees may make annual expenditure adjustments of up to ten percent per activity line or object column in any of the previously budgeted activity lines or object column totals within the approved annual application without filing a request for a budget revision with the superintendent of public instruction. Any object or activity revisions in excess of ten percent require previous approval from the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-300, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-300, filed 6/20/88.]

WAC 392-164-305 Budget revisions—Updating planned expenditures. Except as provided in WAC 392-164-300 each local school district or other subgrantee shall expend Chapter 1 Migrant moneys in accordance with planned expenditures and the program description included in the application submitted to and approved by the superintendent of public instruction. A local school district or other subgrantee shall be required to file a request for a budget revision whenever necessary or no later than August 31 of the current year with the superintendent of public instruction in order to accomplish any of the following:

- (1) Increase the total expenditure of Chapter 1 Migrant moneys;
- (2) Change by more than ten percent of the expenditures among activities or objects totals; or
- (3) Expend money in any object or activity where no moneys were budgeted in the approved application.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-305, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-305, filed 6/20/88.]

WAC 392-164-310 Budget revision—Approval. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-164-285 for approval by the superintendent of public instruction of the annual application.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-310, filed 6/20/88.]

WAC 392-164-315 Program update. No later than thirty calendar days following a substantial program change, a local school district or other subgrantee shall submit to the superintendent of public instruction a description of such

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changes. "Substantial changes" shall mean one or more of the following:

- (1) Removal of Chapter 1 Migrant services from an area listed as "served" on the application.
- (2) Addition of Chapter 1 Migrant services to an area not listed as "served" in the application.
- (3) Modification of the Chapter 1 Migrant program in any served area by adding a new program focus, by changing grade levels, or by changing program service delivery models or staff F.T.E.s.
- (4) Increasing the number of students served in the Chapter 1 Migrant program to such an extent that the district must exceed the ten percent budget variance to accommodate serving the additional eligible students.

(5) Provided, That notwithstanding the thirty-day provision for notification to the superintendent of public instruction of substantial program changes, if such changes necessitate a budget revision or are based on a needs assessment revision, said revision shall be submitted to the superintendent of public instruction for approval prior to implementation of proposed changes.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-315, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-315, filed 6/20/88.]

WAC 392-164-320 Identification of migratory children. The uniform migrant student certificate of eligibility shall be used for the purpose of identifying and recording migratory children.

(1) All migratory children shall be identified, recruited, and enrolled on the migrant student records transfer system regardless of whether or not the child resides within a school district offering a migratory program.

(2) All operating agencies with identified migratory children shall participate in the migrant students records transfer system with updating of academic, health, and other pertinent data.

(3) The projected number of migratory students to be served by any subgrantee shall be based on actual statistical information recorded on the migrant student records transfer system and other pertinent information available to the subgrantee.

(4) Each student enrolled in a migrant education program shall have on file a currently valid certificate of eligibility according to the requirements of the state of Washington migrant education program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-320, filed 6/20/88.]

WAC 392-164-325 Student accident insurance. All migratory children enrolled on the migrant student records transfer system and enrolled in a bona fide educational program recognized by the superintendent of public instruction shall be provided with participatory accident insurance coverage paid from migrant program funds. It is the responsibility of the local school district or other subgrantee to:

- (1) Inform migratory parents of the accident insurance coverage provided for their children.
- (2) Facilitate claims procedures when necessary.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-325, filed 6/20/88.]

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WAC 392-164-330 Construction and portable lease/purchase. Chapter 1 Migrant moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities for the purpose of serving Chapter 1 Migrant eligible children if each of the following conditions are met:

(1) The district has exhausted other available options for providing space in which to serve eligible children including the utilization of all available permanent classroom space within the district.

(2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 1 Migrant services to eligible children.

(3) The purchase of portable classrooms proves to be less expensive than cost of constructing more permanent structures or remodeling existing structures.

(4) Provided, That such use of moneys shall have prior approval from the superintendent of public instruction which shall be granted only after an on-site visit to the school district to examine existing facilities in order to determine that the above conditions do exist. The superintendent of public instruction is the record owner of all portable classrooms purchased under this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-330, filed 6/20/88.]

WAC 392-164-335 Property, facilities, and equipment. The superintendent of public instruction administers directly the construction of facilities and the acquisition of property and equipment needed to implement programs for migratory children; and retains title to such facilities, property, and equipment and possesses the right to move or transfer them according to need. Such procedures shall be consistent with 34 CFR 74.130-145, Subpart 0—Property, which governs the acquisition, inventory, and disposition of property purchased with federal funds.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-335, filed 6/20/88.]

WAC 392-164-340 Day care. Day care of infants and very young children may be provided under this part as a service to such children upon specific application to the superintendent of public instruction with sufficient information to enable the superintendent of public instruction to determine that such care as described in the application is:

(1) Not available from other public or private agencies which provide day care services in the geographical area to be served;

(2) Essential to enable eligible currently migratory children to participate in instructional services by relieving them of the responsibility of caring for younger children; and

(3) Cost effective in view of the number of children who would receive day care, the number of currently migratory children involved, and the effect the availability of such services would have on the attendance and participation of such migratory children in instructional services.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-340, filed 6/20/88.]

[Title 392 WAC—p. 237]

WAC 392-164-345 Preschool services. Preschool services for eligible migratory children may be provided under this part as a service to preschool children upon specific application to the superintendent of public instruction with sufficient information to enable him to determine that such care as described in the application:

- (1) Serves eligible students who are currently migratory children ages three to school age;
- (2) Supplements services available from other public or private agencies;
- (3) Is not extravagant in view of the cost and the number of children involved;
- (4) Does not prevent participation of school age migratory children or detract from the operation of projects for school age children;
- (5) Is developed based on educational and support services needs assessment; and
- (6) Is designed to provide for the special educational, cultural, and linguistic needs of the children.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-345, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-345, filed 6/20/88.]

WAC 392-164-350 Fiscal requirements. Fiscal requirements for operating agencies receiving funds under this chapter shall be understood and applied as described in WAC 392-163-245, 392-163-405, 392-163-410, and 392-163-415 which apply to Chapter 1 Regular of the Elementary and Secondary School Improvement amendments of 1988.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-350, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-350, filed 6/20/88.]

WAC 392-164-355 Chapter 1 Migrant audit. Audit of local school district Chapter 1 Migrant programs shall be conducted in compliance with the Single Audit Act of 1984 and related regulations including but not limited to chapter 392-115 WAC.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-355, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-355, filed 6/20/88.]

WAC 392-164-360 Notification of parents. Each school district shall notify parents of participating children of their child's involvement in the Chapter 1 Migrant program and shall issue periodic reports of the child's progress in the program. Such notification and reports shall be provided in the primary language of the parent if necessary for communication unless it is clearly not feasible to do so.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-360, filed 6/20/88.]

WAC 392-164-365 Local parent advisory councils—Composition and procedures. A parent advisory council shall be established in each local school district or subgrantee which receives a subgrant under this chapter. Such parent advisory council shall:

- (1) Be composed of parents of children eligible to be served, who shall constitute at least a simple majority of said council, and other persons knowledgeable in the needs of migratory children.

[Title 392 WAC—p. 238]

- (2) Assist the district in the planning, implementation, operation, and evaluation of the present local project and in the planning of future projects.

- (3) Have parent members selected from among the parent group by the parents themselves. The balance of the parent advisory council membership may be appointed by the district and shall consist of representatives of social, health service, local business and industry, and other such community agencies.

- (4) Elect its own chair and such other officers as the membership deems appropriate.

- (5) Formulate bylaws and a procedure by which parents may present grievances to the local school district or other subgrantee.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-365, filed 6/20/88.]

WAC 392-164-368 Consultation with parents. To meet the expanded parental involvement required in Section 1016, ESSIA 1988 each agency receiving Chapter 1 Migrant funds must develop procedures for organized, ongoing, systematic informed, and timely consultations with parents of participating children.

These written procedures must be made available to parents and guardians of participating children.

Parent involvement must be developed with, and based on proposed and final applications, needs assessment documentation, budgetary information, evaluation data, local, state, and federal laws, regulations, policies, and directives, and other information deemed necessary for effective involvement.

Methods for obtaining full participation of parents must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the parental involvement goals in Section 299.34 (a)(3) and (b) and Section 201.35 (c).

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-368, filed 10/20/93, effective 11/20/93.]

WAC 392-164-370 Annual meeting of parents. An operating agency that receives Chapter 1 Migrant funds shall convene annually a public meeting, to which all parents of eligible children must be invited, to discuss with those parents the programs and activities provided with Chapter 1 Migrant funds.

- (1) The meeting agenda shall include:

- (a) Informing parents of their right to consult in the design and implementation of the agency's Chapter 1 Migrant project;

- (b) Soliciting parents' input; and

- (c) Providing parents an opportunity to establish mechanisms for maintaining ongoing communication among parents, teachers, and agency officials.

- (2) An operating agency may hold one or more meetings at sites convenient to such agency to meet the requirement in subsection (1) of this section.

- (3) If parents of eligible children desire further activities, the operating agency may, upon request, provide reasonable support for these activities. This support may include, but is not limited to:

- (a) Reasonable access to meeting space and materials;

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- (b) Provision of information concerning the Chapter 1 Migrant law, regulations, and instructional programs;
- (c) Training programs for parents; and
- (d) Other resources, as appropriate.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-370, filed 6/20/88.]

WAC 392-164-375 State advisory committee. The purpose of the state advisory committee shall be to advise the superintendent of public instruction in planning, developing, operating, and evaluating the state Chapter 1 Migrant program; and to facilitate communication among local parent advisory councils and between the state advisory committee and local councils.

(1) Membership of the state advisory committee shall be as follows:

(a) The superintendent of public instruction shall select parent members from nominations submitted by local parent advisory committees, current state advisory committee members, or migrant education staff;

(b) The majority of the state advisory committee shall consist of such parents, selected from nominees; and

(c) The balance of the state advisory committee shall be selected by the superintendent of public instruction and shall consist of representatives of local districts and educational service districts, the Washington Hispanic commission, a high school migratory student, and such other agencies and committees as are deemed appropriate.

(2) Bylaws shall be developed jointly by the state advisory committee and the superintendent of public instruction with final approval given by the superintendent of public instruction.

(3) Election of officers shall be conducted by the membership.

(4) The superintendent of public instruction shall call all meetings.

(5) Members shall be reimbursed for travel and expenses consistent with state law.

(6) The executive secretary of the state advisory committee shall be an employee of the superintendent of public instruction who shall be assisted by the executive committee of the state advisory committee in finalizing and facilitating state advisory committee meeting agendas.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-375, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-375, filed 6/20/88.]

WAC 392-164-380 Report of services—Annual requirement. Each local school district or other subgrantee that receives a subgrant under Chapter 1 Migrant shall submit to the superintendent of public instruction each year a report of services compiled and verified by such entity or compiled by the migrant student records transfer system and verified by the local school district or other subgrantee. Such verified report shall be received by the superintendent of public instruction no later than the second Friday in July and shall contain all information requested, including data on the race, age, and gender of children served by the Chapter 1 Migrant program and on the number of children served by grade level.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-380, filed 6/20/88.]

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WAC 392-164-385 Report of services—Summer school addendum. Any local school district or other subgrantee which conducts a summer school supported with Chapter 1 Migrant moneys, in addition to the annual report of services, shall submit a separate report of summer school services by the second Friday in September in the form required by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-385, filed 6/20/88.]

WAC 392-164-390 Program evaluation. Each local school district or other subgrantee that receives a subgrant under Chapter 1 Migrant shall conduct evaluations that assess the overall progress of participating migrant children in grade two through twelve, including education progress, in terms of instructional services and support services.

The evaluation design for the regular school year instructional program must include:

(1) Objective measures of educational progress of project participants (including achievement in basic skills) as measured, if possible, over a twelve-month testing interval through the use of forms of state or national normal achievement tests. If this is not possible the LEA or operating agency may use other acceptable measures of educational progress of migrant children, such as changes in attendance patterns, drop-out rates, and objectively applied indicators of student achievement;

(2) Migrant summer schools, to the extent possible, must follow the same guidelines; and

(3) During either regular or summer terms, the evaluation design for support service components must include measures of the effects on project participants that are consistent with the defined support objectives. In addition, each local school district or other subgrantee, when appropriate, shall determine whether improved student achievement is sustained over a period of more than one program year, and shall consider that data in the improvement of programs and projects assisted with Chapter 1 Migrant moneys.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-390, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-390, filed 6/20/88.]

WAC 392-164-395 Project program and budget revisions. Program and budget revisions to a migrant project may be initiated by either the local school district or other subgrantee or the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-395, filed 6/20/88.]

WAC 392-164-400 Program compliance review. The superintendent of public instruction shall conduct program compliance reviews of all operating agencies receiving Chapter 1 Migrant moneys. Review of each operating agency shall occur at least once every three years. Upon receipt of the compliance review report from the superintendent of public instruction the operating agencies shall have one month to respond to the superintendent of public instruction if there are exceptions noted in the report. Substantial noncompliance or failure by the operating agencies to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-164-410 or 392-164-415.

[Title 392 WAC—p. 239]

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-400, filed 6/20/88.]

WAC 392-164-405 Subgrantee accountability. Chapter 1 Migrant program accountability and compliance procedures under this chapter shall apply to all operating agencies receiving migrant funds under this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-405, filed 6/20/88.]

WAC 392-164-410 Withholding of Chapter 1 Migrant payments. Withholding by the superintendent of public instruction of Chapter 1 Migrant payments shall occur only under the following conditions.

(1) If the superintendent of public instruction determines that an operating agency is not in substantial compliance with federal statute and regulation or with this chapter, the superintendent of public instruction shall have the authority to withhold payment in whole or in part of Chapter 1 Migrant moneys to the offending operating agency. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

(a) Reasonable notice to the operating agency of the reasons for the proposed withholding; and

(b) An opportunity for the operating agency within thirty calendar days of such notice to give reason why the withholding should not be instituted.

(2) Pursuant to the operating agency response, the superintendent of public instruction shall consider the following factors:

(a) The seriousness of the noncompliance;

(b) The amount of Chapter 1 Migrant moneys involved;

(c) The effect of withholding on participating children; and

(d) The need to withhold payments to prevent further misuse of Chapter 1 Migrant moneys.

(3) If, after consideration of these factors and within thirty calendar days, the superintendent of public instruction decides to initiate a withholding procedure, a date shall be specified by which the operating agency shall have achieved compliance, or the moneys withheld shall become subject to repayment procedures specified in 34 CFR 204.11(b), "Access to records and audits, state and local responsibilities."

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-410, filed 6/20/88.]

WAC 392-164-415 Compliance agreement. Notwithstanding any of the actions prescribed by WAC 392-164-410, any operating agency found out of compliance with this chapter may as a substitute for, or in conjunction with, withholding or repayment actions referenced in WAC 392-164-410 be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 1 Migrant program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 1 Migrant moneys. If an operating agency fails to achieve compliance within the specified period of time, the withholding and/or repayment procedures prescribed by WAC 392-164-410 shall be instituted by the superintendent of public instruction.

[Title 392 WAC—p. 240]

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-415, filed 6/20/88.]

WAC 392-164-420 General requirements for new program. To develop and implement a new migrant program, a local school district or operating agency must do the following:

(1) Identify ten or more currently migrant students;

(2) Do a needs assessment which will show what needs can be met in basic education, other specially funded programs, and determine if special unmet needs unique to the migrant life still exist.

If so, the LEA may design a migrant education program based on this needs assessment that will be of a size, scope, and quality to give reasonable promise of substantial progress toward meeting the special needs of the identified migrant pupils.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-420, filed 10/20/93, effective 11/20/93.]

WAC 392-164-425 Subgrant allocation formula.

Each year an allocation formula based on pupils served, types of migrant pupils, current district enrollments for January will be used to determine the maximum subgrant funds available to LEAs. The actual amount granted to each subgrant will be determined by the needs assessment in each LEA.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-425, filed 10/20/93, effective 11/20/93.]

WAC 392-164-430 Supply purchase. All supplies, materials, and equipment for current year program must be purchased before March 1. An unexpected spring influx or a summer school are the only exceptions under which approval will be granted and will require SPI's prior approval.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-430, filed 10/20/93, effective 11/20/93.]

Chapter 392-165 WAC

SPECIAL SERVICE PROGRAMS—TITLE VI— INNOVATIVE EDUCATION PROGRAM STRATEGIES OF THE EDUCATION CONSOLIDATION AND IMPROVING AMERICA'S SCHOOLS ACT OF 1994, FINANCIAL ASSISTANCE TO LOCAL SCHOOL DISTRICTS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-165-240	Definition—Basic skills. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-240, filed 2/29/84.] Repealed by 92-18-067 (Order 92-06), filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.300.070.
392-165-327	Planned expenditures by subchapter program. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-327, filed 2/29/84.] Repealed by 92-18-067 (Order 92-06), filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.300.070.
392-165-332	Board approval—Subchapter A activities. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-332, filed 2/29/84.] Repealed by 92-18-067 (Order 92-06), filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.300.070.
392-165-342	Approved program variance—Twenty percent allowed. [Statutory Authority: RCW 28A.02.100. 88-21-017 (Order 88-22), § 392-165-342, filed 10/7/88.] Repealed by 92-18-067 (Order 92-06), filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.300.070.

WAC 392-165-100 Authority. The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-165-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-100, filed 2/29/84.]

WAC 392-165-105 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington, including the superintendent of public instruction and local school districts, with the provisions of Public Law 103-382, Improving America's Schools Act of 1994, Title VI, — and its implementing regulations.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-105, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-105, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-105, filed 2/29/84.]

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WAC 392-165-110 Accountability. Nothing in this chapter shall be construed to relieve a school district of its responsibility to comply also with all applicable statutes, rules and regulations.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-110, filed 2/29/84.]

WAC 392-165-115 Definition—Title VI. As used in this chapter, the term "Title VI" shall mean that part of Public Law 100-297 which is commonly referred to as Title VI of the Improving America's Schools Act of 1994.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-115, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-115, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-115, filed 2/29/84.]

WAC 392-165-120 Definition—Accounting manual. As used in this chapter, the term Accounting Manual shall mean the *Accounting Manual for Public School Districts* in the state of Washington issued September 1993, by the superintendent of public instruction and the state auditor.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-120, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-120, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-120, filed 2/29/84.]

WAC 392-165-125 Definition—Object of expenditure. As used in this chapter the term "object of expenditure" shall be as defined in the *Accounting Manual* glossary of terms (i.e., "the article purchased or the service obtained . . ."). For financial accounting purposes, "object of expenditure" shall be defined further as the third field of uniform expenditure classification established in the *Accounting Manual*.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-125, filed 2/29/84.]

WAC 392-165-130 Definition—Activity. As used in this chapter, the term "activity(ies)" shall be as defined in the *Accounting Manual* glossary of terms. For financial accounting purposes "activity" shall be defined further as the second field of uniform expenditure classification established in the *Accounting Manual* for Title VI and shall include all activities listed on Form SPI F-1000B.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-130, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-130, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-130, filed 2/29/84.]

WAC 392-165-135 Definition—Program. As used in this chapter, the term "program" shall be as defined in the *Accounting Manual* glossary of terms (activities designed to accomplish a set of objectives). For financial accounting purposes, "program" shall be defined further as the first field of uniform expenditure classification established in the *Accounting Manual* and for Title VI shall include all approved activities supported by Title VI moneys.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-135, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-135, filed 2/29/84.]

WAC 392-165-140 Definition—Direct expenditure.

As used in this chapter, the term "direct expenditure" shall be as defined for "direct expenditure" in the *Accounting Manual* glossary of terms.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-140, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-140, filed 2/29/84.]

WAC 392-165-142 Definition—Indirect expenditure.

As used in this chapter, the term "indirect expenditure" shall be as defined in the *Accounting Manual* glossary of terms (i.e., "those expenditure elements that cannot be easily, obviously and conveniently identified with specific programs . . ."). For Title VI each district shall be entitled to the restricted indirect expenditure rate established and disseminated annually to school districts by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-142, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-142, filed 2/29/84.]

WAC 392-165-145 Definition—Revenue account.

As used in this chapter, the term "revenue account" shall be as defined in the *Accounting Manual* glossary of terms (i.e., "account" being "a descriptive heading under which are recorded financial transactions . . ." and "revenue" being "additions to the assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period." In addition "revenue does not accompany the increase of liabilities or represent refunds of previous disbursements").

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-145, filed 2/29/84.]

WAC 392-165-170 Definition—Project.

As used in this chapter, the term "project" shall mean all activities supported with Title VI moneys in either a particular school building or combination of school buildings.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-170, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-170, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-170, filed 2/29/84.]

WAC 392-165-180 Definition—Students.

As used in this chapter, the term "students" shall mean each enrolled student as defined in WAC 392-121-122.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-180, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-180, filed 2/29/84.]

WAC 392-165-210 Definition—Instructional staff.

As used in this chapter, the term "instructional staff" shall mean certificated and classified persons whose services deal directly with or aid in the teaching of students or in improving teaching learning activities, and who are identified in the *Accounting Manual*.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-210, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-210, filed 2/29/84.]

[Title 392 WAC—p. 242]

WAC 392-165-245 Definition—Supplement.

As used in this chapter, the term "supplement" shall mean an increase in the level of expenditures for a project as a result of the expenditure of Title VI moneys.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-245, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-245, filed 2/29/84.]

WAC 392-165-260 Definition—Consultation with parents and educators and others.

As used in this chapter, the term "consultation with parents and educators and others" shall mean planned, systematic contact two or more times a year with parents, teachers, and administrators of children being served by Title VI, — including parents, teachers, and administrators of served private school children, — other interested parents, teachers, administrators, librarians, school counselors, social workers, psychologists, and other pupil personnel deemed appropriate. All of these must be consulted in the allocation of funds for programs authorized by Title VI and in the design, planning, and implementation of these programs.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-260, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-260, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-260, filed 2/29/84.]

WAC 392-165-265 Definition—Private schools.

As used in this chapter, the term "private schools" shall mean schools approved by the state board of education pursuant to chapter 180-90 WAC.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-265, filed 2/29/84.]

WAC 392-165-302 Private school participation in Title VI—Program requirement.

Each school district that receives Title VI moneys shall make available for expenditure by the school district for the benefit of students in the private schools within the district, an amount equal to the private school enrollment within the district times the average allotment per student (combined public and private enrollment) from Title VI moneys.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-302, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-302, filed 2/29/84.]

WAC 392-165-304 Private school Title VI equipment—Program requirement.

Each school district that provides equipment and materials which is purchased with Title VI moneys to a private school shall retain title to all such equipment and materials and keep on file an inventory supplied by the private school which indicates the location and use of such equipment and materials. The school district will monitor each private school every year to ensure that inventories are maintained according to EDGAR.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-304, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-304, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-304, filed 2/29/84.]

WAC 392-165-310 Parent, educator, and community involvement in program planning—Program requirement.

Each school district that seeks an allocation of funds

under Title VI shall provide for systematic consultation two or more times during the year with parents of children attending elementary and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of Title VI such as librarians, school counselors, and other pupil services personnel, in the design, planning, implementation, and allocation of funds for programs authorized under Title VI. The designated local administrator will submit these program plans and budget to the school district board of directors for approval. Such consultation shall be documented to demonstrate compliance with this section.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-310, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-310, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-310, filed 2/29/84.]

WAC 392-165-315 School district application required. Each school district that seeks an allocation of federal funds under Title VI from the state shall submit an application that shall be for a period not to exceed three fiscal years, may provide for the allocation of funds to programs for a period of three years, and may be amended annually as may be necessary to reflect changes without filing a new application on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-315, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-315, filed 2/29/84.]

WAC 392-165-320 Substance of school district application. The school district's application, required by WAC 392-165-315, shall contain the following:

- (1) Assurances as required by WAC 392-165-322.
- (2) Planned Title VI expenditures by program object and activity in each targeted use of funds as required by WAC 392-165-325.
- (3) Description of the projects, and activities the district has designed to carry out programs under one or more of the following eight targeted use of funds:
 - (a) Technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software.
 - (b) Programs for the acquisition and use of instructional and educational materials including library services and material (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular material which are tied to high academic standards that will be used to improve student achievement and which are part of an overall education reform program.
 - (c) Promising education reform projects, including effective schools and magnet schools.
 - (d) Programs to improve higher order thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school.
 - (e) Programs to combat illiteracy in the student and adult population, including parent illiteracy.

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(f) Programs to provide for the educational needs of gifted and talented children.

(g) School reform activities that are consistent with the Goals 2000: Educate America Act.

(h) School improvement programs or activities under sections 1116 and 1117 of the ESEA.

(4) The reasons for selection of such programs, projects, and activities.

(5) Description of how assistance with Title VI dollars will contribute to goals of the program of improving student achievement or improving quality of education for students.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-320, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-320, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-320, filed 2/29/84.]

WAC 392-165-322 One year assurances. Each school district that receives an allocation of federal funds under Title VI shall submit to the superintendent of public instruction once a year the following:

(1) An assurance of school district compliance with chapter 392-165 WAC.

(2) An assurance that funds received under Title VI shall supplement and not supplant funds available from nonfederal sources.

(3) An assurance that children enrolled in eligible private, nonprofit schools which have submitted a statement of intention to participate in Title VI programs within the district shall be provided equitable participation in benefits of funds received from Title VI.

(4) An assurance that the school district shall keep records and provide information to the superintendent of public instruction regarding Title VI programs in such manner as required by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-322, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-322, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-322, filed 2/29/84.]

WAC 392-165-325 Planned expenditures by program object and activity. Each school district's planned expenditures shall be summarized for all Title VI expenditures in each of the eight targeted use of funds selected by program object and activity on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-325, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-325, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-325, filed 2/29/84.]

WAC 392-165-330 Board approval. The local board of directors shall review and approve the application before submitting it to the office of the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-330, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-330, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-330, filed 2/29/84.]

WAC 392-165-340 Approved budget variance allowed. School districts may make annual expenditure adjustments as stated in bulletins published by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-340, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-340, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 88-21-017 (Order 88-22), § 392-165-340, filed 10/7/88; 84-06-019 (Order 84-6), § 392-165-340, filed 2/29/84.]

WAC 392-165-345 Budget revisions—Updating planned expenditures. Except as provided in WAC 392-165-340, each school district shall expend Title VI moneys in accordance with the planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision to its approved budget whenever one of the following circumstances apply:

- (1) The district intends to increase expenditure beyond the approved amount;
- (2) The district intends to change by more than established amounts as stated in bulletins published by the superintendent of public instruction;
- (3) The district intends to expend moneys in any activity or object where no moneys were previously budgeted.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-345, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-345, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 88-21-017 (Order 88-22), § 392-165-345, filed 10/7/88; 84-06-019 (Order 84-6), § 392-165-345, filed 2/29/84.]

WAC 392-165-347 Title VI carryover provisions. Local school districts may carry over unobligated Title VI funds to the fiscal year succeeding the year for which they were appropriated. However, local districts are not allowed to do the following:

- (1) Carry over a large amount of funds that preclude the district from operating its current Title VI projects successfully; or
- (2) Designing current projects to use only a small amount of the allocation to carry over a large amount of funds.

A school district that wishes to carry over fifteen percent or more of the allocation shall submit a written plan to the superintendent of public instruction for prior approval by April 30.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-347, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-347, filed 8/31/92, effective 10/1/92.]

WAC 392-165-350 Budget revision—Approval. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-165-460 for approval by the superintendent of public instruction of the annual application.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-350, filed 2/29/84.]

WAC 392-165-360 Supervisory expenditures. A school district that charges any portion of supervisory expenditures as a direct expenditure to the Title VI program shall

document such expenditures, including the proportion of supervisory FTE so designated and will keep time and effort documentation on all staff paid in part or full time with Title VI funds.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-360, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-360, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-360, filed 2/29/84.]

WAC 392-165-362 Reallocation of Title VI funds. The superintendent of public instruction may reallocate funds to other local districts from a district that does not choose to participate in the Title VI program, a district that has Title VI funds that exceeds the amount required to run a program, or that are recovered by the superintendent of public instruction based on a determination by the state that the local district has failed to spend local Title VI funds in accordance with applicable law. Reallocation of funds may be made only during the fiscal year for which funds were appropriated or during the succeeding fiscal year; must be made in accordance with the purpose of Title VI; and must be spent in accordance with the requirements in Title VI federal regulations.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-362, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-362, filed 8/31/92, effective 10/1/92.]

WAC 392-165-365 End-of-year report—Annual requirement. Each school district that receives an allocation of funds under Title VI shall submit to the superintendent of public instruction each year an end-of-year report on forms provided by the superintendent of public instruction. The end-of-year report shall be received by the superintendent of public instruction no later than July 20, or in the event such date is a Saturday, Sunday, or holiday, the working day immediately following such date, and shall contain all information requested.

In addition, selected districts may be requested to participate in the preparation of descriptive case studies.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-365, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-365, filed 2/29/84.]

WAC 392-165-415 Budget revision requirements—Two revisions limitation. Number of budget revisions allowed will be stated in the annual application procedures.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-415, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-415, filed 8/31/92, effective 10/1/92.]

WAC 392-165-420 Budget revision requirements—Final approval date. No budget revisions will be approved after August 31.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-420, filed 8/31/92, effective 10/1/92.]

WAC 392-165-425 Construction. No Title VI funds may be used to perform repairs, minor remodeling, or construction of private school facilities. A local school district may use Title VI funds to perform repairs, minor remodeling, or construction of public facilities as may be necessary to carry out its responsibility under this part.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-425, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-425, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-425, filed 2/29/84.]

WAC 392-165-430 Acquisition, control and disposition of equipment. Except to purchase technology related to the implementation of school-based reform programs and computer hardware for instructional purposes listed in WAC 392-165-325 Title VI funds may not be used to purchase general classroom instructional equipment unless that instructional equipment is used only as a part of a specific program under one of the eight targeted assistance areas and has prior approval on the Title VI application. All equipment purchased from Title VI funds must be labeled "IASA - Title VI." Inventories must be maintained and updated every two years. Districts will follow all procedures for usage, inventory, and disposition listed in the Education Department General Administration Regulations (EDGAR) 34 C.F.R. 80.32.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-430, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-430, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-430, filed 2/29/84.]

WAC 392-165-440 Title VI audit. Audit of Title VI programs shall be conducted in accordance with OMB curriculum A128 or A133, whichever is applicable. Local educational agencies receiving less than an average of five thousand dollars each under this Title VI shall not be audited more frequently than once every five years.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-440, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-440, filed 2/29/84.]

WAC 392-165-445 Sanctions. Any school district found not in compliance with applicable federal and state statute and regulations shall be subject to the actions prescribed in WAC 392-165-455 and 34 CFR 298.17 Part 298.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-445, filed 2/29/84.]

WAC 392-165-450 Compliance agreement. Notwithstanding any of the actions prescribed by WAC 392-165-445, any school district found out of compliance with this chapter may, as a substitute for withholding or repayment actions referenced in WAC 392-165-455, be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Title VI program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Title VI moneys. If a district fails to achieve compliance within the specified time, the withholding and/or repayment procedures prescribed by WAC 392-165-455.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-450, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-450, filed 2/29/84.]

WAC 392-165-455 Withholding of Title VI payments. (1) If the superintendent of public instruction determines that a school district is not in substantial compliance with federal statute and regulation or with this chapter, the superintendent of public instruction shall have the authority

to withhold payment in whole or in part of Title VI moneys to the offending district. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

(a) Reasonable notice to the school district of the reasons for the proposed withholding; and

(b) An opportunity for the school district within thirty calendar days of such notice to give reason why the withholding should not be instituted.

(2) Pursuant to the school district response, the superintendent of public instruction shall consider the following factors:

(a) The seriousness of the noncompliance;

(b) The amount of Title VI moneys involved;

(c) The effect of withholding on participating children; and

(d) The need to withhold payments to prevent further misuse of Title VI moneys.

(3) If, after consideration of these factors and within thirty calendar days, the superintendent of public instruction decides to initiate a withholding procedure, a date shall be specified by which the school district shall have achieved compliance, or the moneys withheld shall become subject to repayment procedures.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-455, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-455, filed 2/29/84.]

WAC 392-165-460 Approval of Title VI program application by the office of the superintendent of public instruction. (1) Final approval of a Title VI program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-165-320 through 392-165-327 and 34 CFR 298.6, 298.11, 298.12-298.14 and is assured that the school district has satisfied all yearly reporting requirements and compliance agreements from the previous year.

(2) Programs shall not be implemented without approval from the superintendent of public instruction. The effective approval date shall be July 1, of each year for applications received prior to July 1, or the subsequent date on which the complete application is received by the superintendent of public instruction.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

(4) Consistent with P.L. 103-382, any school district shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent of public instruction and then to the United States Secretary of Education.

(5) All districts with approved, nonprofit, private schools within their boundaries must return to the office of the superintendent of public instruction "Participation in Federal Programs" Form 829 for each school by the end of February, as part of their application. Reimbursement and approval will be withheld until all forms are received.

(6) Applications received after November 30 will not be processed and the funds will be reallocated.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-460, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-460, filed

8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-460, filed 2/29/84.]

WAC 392-165-490 Allocation to school districts.

From the sums made available each year to carry out Title VI, the superintendent of public instruction shall distribute no less than eighty-five percent to school districts according to the relative enrollments in public and private, nonprofit schools within the school districts.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-490, filed 11/7/97, effective 12/8/97.]

WAC 392-165-500 Allocation formula for distribution of eighty-five percent Title VI moneys to local school districts. For the purpose of this section, the term:

(1) "Student enrollment" shall mean the head count for public and private schools submitted by the school districts to the office of the superintendent of public instruction on October 1 of each prior year.

(2) "Low income student enrollment" shall mean those students who are eligible for a free or reduced price lunch.

The eighty-five percent allocation formula to all school districts is based on sixty-seven percent enrollment and thirty-three percent low income based on the number of free and reduced price lunches served.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-500, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-500, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 86-15-048 (Order 86-6), § 392-165-500, filed 7/18/86; 84-06-019 (Order 84-6), § 392-165-500, filed 2/29/84.]

WAC 392-165-510 Program compliance review. The superintendent of public instruction shall conduct program compliance review of all school districts receiving Title VI funds. Reviews shall occur at least once within a four-year plan as established by the superintendent of public instruction. If a school district is not reviewed due to exceptional or uncontrollable circumstances, these districts will have first priority for review the following year.

Following the review the school district will have thirty days to respond to the superintendent of public instruction if there are exceptions. Substantial noncompliance or failure by the school district to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-165-440, 392-165-445, and 392-165-450.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-510, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-510, filed 8/31/92, effective 10/1/92.]

Chapter 392-168 WAC

SPECIAL SERVICE PROGRAMS—CITIZEN COMPLAINT PROCEDURE FOR CERTAIN CATEGORICAL FEDERAL PROGRAMS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-168-005	Authority. [Order 12-76, § 392-168-005, filed 12/21/76.] Repealed by 88-09-042 (Order 88-13), filed 4/18/88. Statutory Authority: RCW 28A.02.100.
392-168-010	Purpose. [Order 12-76, § 392-168-010, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-015	Definitions. [Order 12-76, § 392-168-015, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-020	Advisory council. [Order 12-76, § 392-168-020, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-025	Evaluation criteria for approving applications. [Order 12-76, § 392-168-025, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-030	Additional criteria for approving applications. [Order 12-76, § 392-168-030, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-035	Provisions for assuring fifteen percent for special needs of handicapped children. [Order 12-76, § 392-168-035, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-040	Criteria for achieving equitable distribution of assistance. [Order 12-76, § 392-168-040, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-045	Provision for private nonprofit school participation. [Order 12-76, § 392-168-045, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-050	Length of project period. [Order 12-76, § 392-168-050, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-055	Provisions for hearings. (Part C) [Order 12-76, § 392-168-055, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-060	Legal applicants. [Order 12-76, § 392-168-060, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
392-168-120	Definition—Hatch amendment. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-120, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-120, filed 4/18/88.] Repealed by 05-19-033, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 28A.300.070.
392-168-160	Appeal to the superintendent of public instruction of a local school district, educational service district, or other subgrantee decision. [Statutory Authority: RCW 28A.02.100. 90-11-029 (Order 90-09), § 392-168-160, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-160, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-160, filed 4/18/88.] Repealed by 05-19-033, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 28A.300.070.
392-168-165	Content of appeal notice. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-165, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-165, filed 4/18/88.] Repealed by 05-19-033, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 28A.300.070.

- 392-168-167 General responsibilities of superintendent of public instruction. [Statutory Authority: Chapter 28A.155 RCW. 93-19-065 (Order 93-15), § 392-168-167, filed 9/13/93, effective 10/14/93.] Repealed by 05-19-033, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 28A.300.070.
- 392-168-170 Actions by superintendent of public instruction in response to notices of appeal and notices registering complaints. [Statutory Authority: RCW 28A.02.100. 90-11-029 (Order 90-09), § 392-168-170, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-170, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-170, filed 4/18/88.] Repealed by 05-19-033, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 28A.300.070.

WAC 392-168-105 Authority. The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive and administer federal funds on behalf of school districts of the state of Washington in compliance with applicable rules and regulations.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-168-105, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-105, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-105, filed 4/18/88.]

WAC 392-168-110 Purpose. The purpose of this chapter is to provide complaint procedures in compliance with 20 U.S.C. 7844 and 7883, and with 34 CFR 299.10-2099.12.

[Statutory Authority: RCW 28A.300.070. 05-19-033, § 392-168-110, filed 9/12/05, effective 10/13/05. Statutory Authority: Chapter 28A.155 RCW. 93-19-065 (Order 93-15), § 392-168-110, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-110, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-110, filed 4/18/88.]

WAC 392-168-115 Applicability. This chapter shall apply to federal programs authorized under the Elementary and Secondary Education Act and administered by the superintendent of public instruction, including the following:

- (1) Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies;
- (2) Title I, Part B, Subpart 1: Reading First;
- (3) Title I, Part B, Subpart 3: William F. Goodling Even Start Family Literacy Program;
- (4) Title I, Part C: Education of Migratory Children;
- (5) Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk;
- (6) Title I, Part F: Comprehensive School Reform;
- (7) Title II, Part A: Teacher and Principal Training and Recruiting Fund;
- (8) Title II, Part D: Enhancing Education Through Technology;

Title III—Language Instruction for Limited English Proficient and Immigrant Students

- (9) Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement;
- (10) Title IV—21st Century Schools;
- (11) Title IV, Part A, Subpart 1: Safe and Drug Free Schools and Communities;
- (12) Title IV, Part B: 21st Century Community Learning Centers;

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Title V—Promoting Informed Parental Choice and Innovative Programs

- (13) Title V, Part A: Innovative Programs;
- Title VI—Flexibility and Accountability
- (14) Title VI, Part A, Subpart 1: Improving Academic Achievement, Accountability, Grants for State Assessments and Enhanced Assessments;
- (15) Title VI, Part B, Subpart 1: Small, Rural School Achievement Program;
- (16) Title VI, Part B, Subpart 2: Rural and Low-Income Schools;
- (17) Title IX—General Provisions;
- (18) Title IX, Part E (Section 9532): Unsafe School Choice Option.

[Statutory Authority: RCW 28A.300.070. 05-19-033, § 392-168-115, filed 9/12/05, effective 10/13/05. Statutory Authority: Chapter 28A.155 RCW. 93-19-065 (Order 93-15), § 392-168-115, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-115, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-115, filed 4/18/88.]

WAC 392-168-125 Definition—Complaint. As used in this chapter, the term "complaint" means an allegation, by the complainant, that the state, a local school district, an educational service district, or other subgrantee receiving federal funds has violated a federal statute or regulation or a related state regulation that applies to a federal program covered under this chapter.

[Statutory Authority: RCW 28A.300.070. 05-19-033, § 392-168-125, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 28A.02.100. 90-23-062 (Order 43), § 392-168-125, filed 11/20/90, effective 12/21/90; 90-11-029 (Order 90-09), § 392-168-125, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-125, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-125, filed 4/18/88.]

WAC 392-168-130 Definition—Other subgrantee. As used in this chapter, the term "other subgrantee" means the government, nonprofit, or other legal entity to which the state as grantee awards a subgrant, and which is accountable to the state for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-130, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-130, filed 4/18/88.]

WAC 392-168-132 Informing citizens about complaint procedures. The superintendent of public instruction shall inform parents and other interested individuals about the citizen complaint procedures in this chapter. Specific actions to be taken by the superintendent of public instruction include:

- (1) Disseminating copies of the state's procedures to parents, advocacy agencies, professional organizations, and other appropriate entities;
- (2) Conducting inservice training sessions on the complaint process through educational service districts; and
- (3) Including information about the system in statewide conferences.

[Statutory Authority: RCW 28A.300.070. 05-19-033, § 392-168-132, filed 9/12/05, effective 10/13/05. Statutory Authority: Chapter 28A.155 RCW. 93-19-065 (Order 93-15), § 392-168-132, filed 9/13/93, effective 10/14/93.]

[Title 392 WAC—p. 247]

WAC 392-168-135 Right to register a complaint. Any individual or organization may file a signed, written complaint.

[Statutory Authority: RCW 28A.300.070. 05-19-033, § 392-168-135, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 28A.02.100. 90-11-029 (Order 90-09), § 392-168-135, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-135, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-135, filed 4/18/88.]

WAC 392-168-140 Contents of complaint. A written complaint filed under this chapter shall include:

- (1) A statement that the state, a local school district, an educational service district, or other subgrantee has violated one or more requirements of federal statutes or regulations or state regulations that apply to a federal program covered under this chapter;
- (2) The specific requirement alleged to have been violated;
- (3) The facts on which the complaint is based;
- (4) The name and address of the complainant;
- (5) The expected resolution of the alleged violation; and
- (6) In the case of a complaint alleging a violation by an entity other than the state and filed directly with the superintendent of public instruction, the name and address of the allegedly offending entity.

[Statutory Authority: RCW 28A.300.070. 05-19-033, § 392-168-140, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 28A.02.100. 90-11-029 (Order 90-09), § 392-168-140, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-140, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-140, filed 4/18/88.]

WAC 392-168-145 Procedure for filing a complaint. The procedure for filing a complaint shall be as follows:

- (1) A complaint alleging a violation by a local school district, an educational service district, or other subgrantee shall be filed directly with the superintendent of public instruction.
- (2) The superintendent of public instruction, upon receipt of a signed, written complaint against a local school district or other public agency, an educational service district, or other subgrantee, shall refer the complaint to the educational entity for action pursuant to this chapter. A complaint against the state shall be investigated pursuant to WAC 392-168-180.
- (3) Receipt of a complaint by the superintendent of public instruction activates a time limit not to exceed sixty calendar days, unless an extension of the time limit is approved by the superintendent of public instruction on the basis of exceptional circumstances with respect to a particular complaint.

[Statutory Authority: RCW 28A.300.070. 05-19-033, § 392-168-145, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-145, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-145, filed 4/18/88.]

WAC 392-168-150 Complaint directed to a school district, an educational service district, or other subgrantee and designation of responsible employee. The chief officer of each local school district, an educational service district, or other subgrantee shall designate at least one employee to monitor and coordinate the entity's compliance

with this chapter. Such employee shall also be charged with the responsibility for investigating any complaint(s) communicated to the entity pursuant to WAC 392-168-145.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-150, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-150, filed 4/18/88.]

WAC 392-168-155 Investigation of and response to complaints against a school district or other public agency, educational service district, or other subgrantee. Investigation of and response to a complaint shall be as follows:

(1) Upon receipt of a properly filed complaint, the superintendent of public instruction shall send a copy of the complaint to the educational entity, for investigation of the alleged violations.

(2) The educational entity shall investigate the complaint. The responsible official of the educational entity shall respond in writing to the superintendent of public instruction, and include documentation of the investigation, no later than twenty calendar days after the date of receipt by the entity of such complaint.

(3) The response to the superintendent of public instruction shall clearly state either:

(a) That the educational entity denies the allegations contained in the complaint and the basis for such denial; or

(b) Propose reasonable corrective action(s) deemed necessary to correct the violation.

(4) The superintendent of public instruction shall provide the complainant a copy of the entity's response to the complaint.

(5) The superintendent of public instruction will provide the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

(6) Upon review of all relevant information including, if necessary, information obtained through an independent on-site investigation by the superintendent of public instruction, the superintendent of public instruction will make an independent determination as to whether the public agency is in violation of any federal program requirement as authorized under the Elementary and Secondary Education Act as amended by No Child Left Behind Act or this chapter.

(7) The superintendent of public instruction shall issue a written decision to the complainant that addresses each allegation in the complaint including findings of fact, conclusions, and the reasonable corrective measures deemed necessary to correct any violation. OSPI may provide technical assistance activities or negotiations; and corrective measures necessary to resolve a complaint. All actions shall be instituted, as soon as possible but in no event later than thirty calendar days following the date of the decision, unless otherwise agreed to, or for good cause.

(8) The written decision by the superintendent of public instruction is the final decision in the matter. A complaint is considered resolved when the superintendent has issued a written decision and corrective measures, if warranted, have been completed.

(9) If compliance by a local district or other public agency, educational service district, or other subgrantee is not achieved pursuant to subsection (7) of this section, the super-

intendent of public instruction may initiate fund withholding, fund recovery, or any other sanction(s) deemed appropriate.

(10) For complaints arising under 20 U.S.C. § 7883 (participation by private school children), a complainant may appeal the superintendent's resolution to the Secretary of Education (U.S. Department of Education) within thirty days of receiving the written decision from the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 05-19-033, § 392-168-155, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-155, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-155, filed 4/18/88.]

WAC 392-168-175 Complaints against the superintendent of public instruction—Designation of responsible employee(s). (1) A complaint alleging a violation by the superintendent of public instruction shall be filed directly with the superintendent of public instruction in the form specified in WAC 392-168-140.

(2) The superintendent of public instruction shall designate at least one office of the agency to monitor and coordinate the agency's compliance with this chapter, which shall include ensuring that investigation of any complaint is conducted expeditiously and thoroughly.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-175, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-175, filed 4/18/88.]

WAC 392-168-180 Complaints against the superintendent of public instruction—Investigation of and response to complaints. (1) The staff responsible for investigating the alleged violation shall commence investigation within ten days of receipt of the complaint by the superintendent of public instruction.

(2) Investigation by the superintendent of public instruction may include on-site investigations as appropriate.

(3) Upon completion of the investigation, investigating staff shall provide the superintendent of public instruction with a written report on the results of the investigation, no later than sixty calendar days after the receipt of such complaint.

(4) The superintendent of public instruction shall respond in writing to the complainant as expeditiously as possible but in no event later than ten calendar days after the date of receipt of the written report described in subsection (3) of this section.

(5) The response shall clearly state either:

(a) That the complaint is without merit, the allegations are denied, and the basis for such denial; or

(b) The reasonable corrective measures deemed necessary to correct any violation: Provided, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complainant.

[Statutory Authority: RCW 28A.300.070. 05-19-033, § 392-168-180, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-180, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-180, filed 4/18/88.]

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WAC 392-168-185 Waiver of timelines. (1) Timelines established in this chapter may be waived by mutual consent in writing of both complainant and local school district or other subgrantee. Such waiver of timelines shall be communicated within ten days to the appropriate division, superintendent of public instruction, by the entity named in the complaint.

(2) An extension of time limits applicable to actions by the superintendent of public instruction shall be waived by mutual consent of the complainant and the superintendent of public instruction: Provided, That if exceptional circumstances exist with respect to a particular complaint, the superintendent of public instruction may unilaterally extend the timelines for cause upon written notice to the parties.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-185, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-185, filed 4/18/88.]

WAC 392-168-190 Appeal to the secretary of education in complaints against the superintendent of public instruction. In the event that a complainant remains aggrieved with the response of the superintendent of public instruction, the complainant may file an appeal directly with the secretary, department of education.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-190, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-190, filed 4/18/88.]

Chapter 392-169 WAC

SPECIAL SERVICE PROGRAMS RUNNING START PROGRAM

WAC

392-169-005 Authority.
392-169-010 Purpose.

DEFINITIONS OF TERMS

392-169-015 Running start program—Definition.
392-169-020 Eligible student—Definition.
392-169-022 Running start student—Definition.
392-169-023 College or university day—Definition.
392-169-025 Full-time equivalent (FTE) running start enrollment—Definition.
392-169-030 Annual average full-time equivalent (AAFTE) running start enrollment—Definition.
392-169-033 Institution of higher education—Definition.
392-169-040 School district—Definition.

ENROLLMENT RIGHTS, REQUIREMENTS AND LIMITATIONS

392-169-045 Enrollment—General requirements and conditions.
392-169-050 Enrollment—High school credit—Prior confirmation.
392-169-055 Enrollment—Extent and duration of running start enrollment.
392-169-057 Enrollment—Extent of combined high school and running start enrollment.
392-169-060 Enrollment—Exception from tuition and fees.
392-169-065 Enrollment—Continuing eligibility.

MISCELLANEOUS REQUIREMENTS

392-169-070 Annual notice to students and parents.
392-169-075 Academic standards and discipline—Jurisdiction of educational agencies.
392-169-080 Compliance with federal and state requirements of law—Special education program requirements—Necessary cooperative agreements.
392-169-085 High school credit—Award by school districts.

FINANCIAL REPORTS, CLAIMS AND PAYMENTS

392-169-090 Finance—Generation and apportionment of state basic education moneys.

392-169-095	Determination of uniform statewide rates for nonvocational and vocational students.
392-169-100	Running start enrollment count dates.
392-169-105	Finance—Institution of higher education reporting requirements.
392-169-110	Finance—School district reporting requirements.
392-169-115	Finance—Limitations on enrollment counts.
392-169-120	Finance—Documentation requirements.

ALTERNATIVE CONTRACTUAL ARRANGEMENTS

392-169-125	Current and future institution of higher education enrollment alternatives not affected.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-169-035	Community and technical colleges—Definition. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-035, filed 2/1/94, effective 3/4/94.] Repealed by 95-09-042 (Order 95-02), filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290.
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WAC 392-169-005 Authority. The authority for this chapter is RCW 28A.600.390, which authorizes the superintendent of public instruction, the state board for community and technical colleges, and the higher education coordinating board to jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, and 28A.150.260 and 28A.150.290 which authorize the superintendent of public instruction to adopt rules governing basic education allocation moneys. The rules set forth in this chapter have been jointly developed and agreed upon by the three agencies, and adopted and codified in separate chapters of the Washington Administrative Code by each of the three agencies. The rules may be modified only by agreement of all three agencies.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-005, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-005, filed 2/1/94, effective 3/4/94.]

WAC 392-169-010 Purpose. The purpose of this chapter is to set forth policies and procedures governing the running start program.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-010, filed 2/1/94, effective 3/4/94.]

DEFINITIONS OF TERMS

WAC 392-169-015 Running start program—Definition. As used in this chapter, the terms "running start" and "running start program" mean the part-time to full-time equivalent enrollment under this chapter of eligible eleventh and twelfth grade high school students in an institution of higher education for the purpose of earning at least high school credit to be awarded by a school district, and such additional college level or university level credit as may be awarded by the institution of higher education.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-015, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-015, filed 2/1/94, effective 3/4/94.]

WAC 392-169-020 Eligible student—Definition. As used in this chapter, the term "eligible student" means any person, including a person who is otherwise attending a pri-

vate school or receiving home-based instruction, who meets each of the following conditions:

(1) The person is under the age of twenty-one years of age as of September 1 of the school year.

(2) The person is eligible by reason of his or her residence or other criterion established by law to enroll in the school district through which the person seeks to obtain the award of running start program high school credit. See RCW 28A.225.160 (residents of a school district), RCW 28A.225.-170 (residents of the United States and Indian Reservations), RCW 28A.225.210 (residents of "nonhigh" school districts), and RCW 28A.225.220 ("choice" students). Note: A running start student who changes his or her school district of residence, following enrollment in running start, solely for the purpose of attending an institution of higher education under this chapter shall be deemed to have retained his or her residence in the school district of initial running start enrollment for high school graduation, funding and other purposes under this chapter.

(3) The person is eligible under the grade placement policies of the school district through which the person seeks to obtain running start program high school credit to be in the eleventh or the twelfth grade.

(4) The person has not as of the beginning of the school year earned the credits required for the award of a high school diploma by the school district through which the person seeks to obtain the award of running start program high school credit.

(5) The person has not as of the beginning of the school year received a high school diploma or its equivalent. Note: A general education development certificate is not considered to be the equivalent of a high school diploma for purposes of this subsection.

(6) The person's running start program enrollment to date is below the applicable eleventh or twelfth grade running start enrollment limitations established under WAC 392-169-055.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-020, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-020, filed 2/1/94, effective 3/4/94.]

WAC 392-169-022 Running start student—Definition. For the purposes of this chapter and chapter 392-121 WAC, the term "running start student" means an eligible student:

(1) Who is enrolled in the running start program in accordance with this chapter;

(2) Whose enrollment has not been suspended or terminated by withdrawal, transfer, suspension or expulsion; and

(3) Who has participated in one or more instructional activities conducted by college or university staff (e.g., classroom or laboratory instruction, course work testing, post enrollment/registration academic counseling, and similar other instructional activities) on at least one college or university day during the current quarter or semester since the last enrollment count date.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-022, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-022, filed 2/1/94, effective 3/4/94.]

WAC 392-169-023 College or university day—Definition. For the purposes of this chapter, the term "college or university day" means a day on which running start students are afforded the opportunity to be engaged in instructional activity which is planned and conducted by or under the supervision of college or university instructional staff, and on which day all or any portion of the enrolled running start students actually participate in such instructional activity.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-023, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-023, filed 2/1/94, effective 3/4/94.]

WAC 392-169-025 Full-time equivalent (FTE) running start enrollment—Definition. For the purposes of this chapter and chapter 392-121 WAC, "full-time equivalent (FTE) running start enrollment" (i.e., college or university enrollment) means the FTE of running start students on an enrollment count date when each student's FTE is determined subject to the limitations of WAC 392-169-022, 392-169-055 and 392-169-115 as follows:

(1) For college or university courses denominated in quarter credits, the quotient of an eligible student's quarter credits of running start enrollment divided by fifteen.

(2) For college or university courses denominated in semester credits, the quotient of an eligible student's semester credits of running start enrollment divided by fifteen.

(3) For college or university courses not denominated in quarter or semester credits, the quotient of an eligible student's average hours of running start enrollment per week divided by twenty-five. Hours of enrollment shall be determined pursuant to WAC 392-121-106 through 392-121-183.

(4) The sum of the results of running start enrollment under subsections (1), (2) and (3) of this section shall not exceed 1.00 FTE per student on any count day or in any school year.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-025, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-025, filed 2/1/94, effective 3/4/94.]

WAC 392-169-030 Annual average full-time equivalent (AAFTE) running start enrollment—Definition. For purposes of this chapter and chapter 392-121 WAC, "annual average full-time equivalent (AAFTE) running start enrollment" means the sum of the AAFTE of all running start students for a school year when each running start student's AAFTE equals the sum of the student's running start FTE enrollment on the nine running start count dates divided by nine.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-030, filed 2/1/94, effective 3/4/94.]

WAC 392-169-033 Institution of higher education—Definition. As used in this chapter, the term "institution of higher education" means:

(1) A Washington community college established under chapter 28B.50 RCW;

(2) A Washington technical college established under chapter 28B.50 RCW;

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(3) Central Washington University, Eastern Washington University and Washington State University if:

(a) The university has decided to participate in the running start program; and

(b) The board of directors of the school district through which an eligible student seeks to obtain running start program high school credit has decided to participate in the universities' running start program.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-033, filed 4/14/95, effective 5/15/95.]

WAC 392-169-040 School district—Definition. As used in this chapter, the term "school district" means a Washington public school district established under Title 28A RCW.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-040, filed 2/1/94, effective 3/4/94.]

ENROLLMENT RIGHTS, REQUIREMENTS AND LIMITATIONS

WAC 392-169-045 Enrollment—General requirements and conditions. The enrollment of an eligible student in the running start program shall be governed as follows:

(1) An eligible student is responsible for applying for and pursuing admission to an institution of higher education on or before the deadline for enrollment established by the college or university.

(2) It shall not be necessary for an eligible student to obtain a release of attendance from his or her resident school district in order for the student to enroll in an institution of higher education.

(3) An eligible student is entitled to enroll in an institution of higher education for running start program purposes subject to each of the following conditions and limitations:

(a) Enrollment is limited to college and university level courses.

(b) Prior confirmation pursuant to WAC 392-169-050 by the school district through which the student seeks to obtain the award of running start program high school credit of the amount of high school credit to be awarded on or before the deadline for enrollment established by the institution of higher education.

(c) Acceptance of the student by the institution of higher education subject to generally applicable admission and enrollment requirements and limitations established by the institution, including a determination that the student is competent to profit from the college or university level course(s) the student seeks to enroll in: Provided, That a technical college shall not deny admission or continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

(d) The limitations upon the duration and extent of institution of higher education course enrollment set forth in WAC 392-169-055 and 392-169-057.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-045, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-045, filed 2/1/94, effective 3/4/94.]

WAC 392-169-050 Enrollment—High school credit—Prior confirmation. As a condition to an eligible student's enrollment in college or university courses under this chapter, the eligibility of the courses which the student intends to take for the award of high school credit and the amount of such credit shall first be established, as follows:

(1) The student shall notify the school district through which the student seeks to obtain the award of running start program high school credit of the specific college or university courses he or she intends to take and shall request confirmation of the amount of high school credit that will be awarded upon successful completion of the courses.

(2) The school district shall establish on a course by course basis the amount of high school required or elective credit, or combination thereof, that shall be awarded for each college or university course successfully completed by the student based upon the conversion rate set forth in WAC 180-51-050.

(3) If a college or university course is not comparable to a school district course required for high school graduation, the school district superintendent shall determine the amount of required high school credit which shall be awarded following consultation with a representative of the institution of higher education designated for that purpose. The difference between the amount of required credit and the amount of credit earned at the conversion rate set forth in WAC 180-51-050 shall be awarded as elective credit.

(4) Within twenty school district business days of a student's request for confirmation of credit the school district superintendent or other designated school district representative shall confirm in writing the amount of high school required or elective credit, or combination thereof, which shall be awarded upon successful completion of the courses.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-050, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-050, filed 2/1/94, effective 3/4/94.]

WAC 392-169-055 Enrollment—Extent and duration of running start enrollment. Running start program enrollment under this chapter is limited as follows (and as may be further limited for academic reasons under WAC 392-169-057):

(1) An eligible student who enrolls in grade eleven may enroll in an institution of higher education while in the eleventh grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college or university quarters as a full-time equivalent college or university student, or two semesters as a full-time equivalent college or university student or nine months as a full-time equivalent technical college student).

(2) An eligible student who enrolls in grade twelve may enroll in an institution of higher education while in the twelfth grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college or university quarters as a full-time equivalent community college or university student, or two semesters as a full-time equivalent college or university student and nine months as a full-time technical college student).

(3) Enrollment in an institution of higher education is limited to the fall, winter and spring quarters, and the fall and spring semesters.

(4) As a general rule a student's eligibility for running start program enrollment terminates at the end of the student's twelfth grade regular academic year, notwithstanding the student's failure to have enrolled in an institution of higher education to the full extent permitted by subsections (1) and (2) of this section: Provided, That a student who has failed to meet high school graduation requirements as of the end of the student's twelfth grade regular academic year (September-June) due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (2) of this section.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-055, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-055, filed 2/1/94, effective 3/4/94.]

WAC 392-169-057 Enrollment—Extent of combined high school and running start enrollment. Concurrent or combined regular high school program and running start program enrollment by a student may exceed the equivalent of full-time enrollment as follows:

(1) An eligible student's concurrent enrollment in both the regular high school program, and in running start or an institution of higher education under this chapter, may exceed the equivalent of full-time enrollment: Provided, That a designated school district representative and a designated college or university representative may jointly limit a student's concurrent high school and institution of higher education enrollment, but not to less than the equivalent of full-time enrollment, for bona fide academic reasons based upon a joint evaluation of the student's capabilities and the total course work the student seeks to enroll in.

(2) For purposes of limiting a student's combined regular high school and running start program enrollment for bona fide academic reasons under subsection (1) of this section thirty hours per week shall constitute full-time high school or technical college enrollment, and fifteen quarter credit hours or fifteen semester hours shall constitute full-time college or university enrollment. Thus, for example, a student enrolled in the regular high school program for ten hours per week (one-third FTE) and in a college for ten quarter credit hours (two-thirds FTE) is enrolled the equivalent of full-time.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-057, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-057, filed 2/1/94, effective 3/4/94.]

WAC 392-169-060 Enrollment—Exception from tuition and fees. A running start student shall not be required by an institution of higher education to pay any tuition or other fee as a condition to the student's full participation in running start college or university course work and related activities, or as a condition to the award of credit therefor: Provided, That requiring a running start student to provide

and pay for consumable supplies, textbooks, and other materials to be retained by the student does not constitute the assessment of tuition or a fee for purposes of this section: Provided further, That this limitation on the assessment of tuition and fees does not apply to a student's enrollment above and beyond running start program enrollment limitations under this chapter (i.e., college and university enrollment in excess of one FTE and college and university summer enrollment may be conditioned upon the payment of regular tuition and fees).

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-060, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-060, filed 2/1/94, effective 3/4/94.]

WAC 392-169-065 Enrollment—Continuing eligibility. Once an eligible student has been enrolled in one or more running start or institution of higher education courses under this chapter, the student shall not be displaced by another student: Provided, That a student's continued enrollment in a course or program and enrollment in other courses or programs shall be subject to generally applicable enrollment requirements and limitations established by the institution of higher education: Provided further, That a technical college shall not deny continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-065, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-065, filed 2/1/94, effective 3/4/94.]

MISCELLANEOUS REQUIREMENTS

WAC 392-169-070 Annual notice to students and parents. Each school district shall annually provide general information respecting the running start program to all tenth and eleventh grade students of the school district and their parents or guardians.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-070, filed 2/1/94, effective 3/4/94.]

WAC 392-169-075 Academic standards and discipline—Jurisdiction of educational agencies. Each school district and institution of higher education shall independently have and exercise exclusive jurisdiction over academic and discipline matters involving a student's enrollment and participation in courses of, and the receipt of services and benefits from, the school district or the institution of higher education.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-075, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-075, filed 2/1/94, effective 3/4/94.]

WAC 392-169-080 Compliance with federal and state requirements of law—Special education program requirements—Necessary cooperative agreements. As a general rule, a school district and an institution of higher education are independently responsible for assuring compliance with federal and state requirements of law which are applica-

ble to the provision of services and benefits by the school district or the institution of higher education under this chapter. If, however, the individualized education program of a special education student established under chapter 392-171 WAC provides for running start enrollment in an institution of higher education, the school district which established the individualized education program shall also be responsible for assuring compliance with chapter 392-171 WAC in connection with the student's running start enrollment in the institution of higher education. School districts and institutions of higher education shall enter into cooperative agreements as necessary to assure compliance with their respective duties under federal and state law, including agreements which substantiate a school district's claim to necessary federal and state funding.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-080, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-080, filed 2/1/94, effective 3/4/94.]

WAC 392-169-085 High school credit—Award by school districts. Upon confirmation by an institution of higher education of a student's successful completion of running start program courses under this chapter, the school district shall record on the student's secondary school records and transcript the high school credit previously confirmed under WAC 392-169-050 together with a notation that the courses were taken at an institution of higher education.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-085, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-085, filed 2/1/94, effective 3/4/94.]

FINANCIAL REPORTS, CLAIMS AND PAYMENTS

WAC 392-169-090 Finance—Generation and apportionment of state basic education moneys. (1) Each running start student shall generate state running start basic education moneys based upon the student's enrollment under this chapter in institution of higher education courses or programs in accordance with the definitions of FTE and AAFTE students set forth in WAC 392-169-025 and 392-169-030, the enrollment and enrollment count limitations set forth in WAC 392-169-055 and 392-169-115, rules of the superintendent of public instruction set forth in Title 392 WAC which supplement and do not conflict with this chapter, and the Biennial Operating Appropriations Act.

(2) The superintendent of public instruction shall apportion running start basic education moneys to school districts reporting running start enrollments based upon AAFTE non-vocational and vocational running start enrollments and uniform statewide rates for nonvocational and vocational students as determined pursuant to WAC 392-169-095.

(3) School districts may retain and expend for running start program counseling or other school district purposes up to seven percent of the running start basic education moneys apportioned by the superintendent of public instruction.

(4) School districts shall apportion each institution of higher education's share of running start basic education moneys received under this chapter to each institution on at

least a modified quarterly basis on or before December 31, March 31, June 30, and August 31 each school year.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-090, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-090, filed 2/1/94, effective 3/4/94.]

WAC 392-169-095 Determination of uniform state-wide rates for nonvocational and vocational students. Prior to September 1 of each school year, the superintendent of public instruction shall calculate estimated uniform state-wide rates for allocating state basic education moneys for nonvocational and vocational running start student enrollment in consultation with state board for community and technical college staff. Calculations shall be based on assumptions used in the state Operating Appropriations Act for the school year. Rates shall equal the estimated average basic education formula generated amount per nonvocational and vocational AAFTE ninth through twelfth grade student for the school year excluding enhancements provided for small schools.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-095, filed 2/1/94, effective 3/4/94.]

WAC 392-169-100 Running start enrollment count dates. Enrollment count dates for the running start program shall be as follows:

- (1) For community and technical colleges and for Central Washington University and Eastern Washington University, the first college or university day of each of the months of October through June; and
- (2) For Washington State University the first university day of each of the months of September through May.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-100, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-100, filed 2/1/94, effective 3/4/94.]

WAC 392-169-105 Finance—Institution of higher education reporting requirements. Each institution of higher education that enrolls an eligible student under this chapter shall periodically report enrollment information as follows:

- (1) Within ten calendar days of enrollment of the student, provide written notice to the student, and the school district through which the student seeks to obtain running start program high school credit of the courses and the credit hours or instructional/clock hours of enrollment.
- (2) After each monthly count date the institution of higher education shall report running start student enrollments by the eighth day of the month to the school district through which the student seeks to obtain the award of running start program high school credit as is necessary for the school district to claim state running start basic education program moneys under this chapter and chapter 392-121 WAC.
- (3) The monthly report shall be prepared in accordance with instructions provided by the superintendent of public instruction, and shall include, but not necessarily be limited to, the following:

(a) The total number of enrolled running start students on the count date (see the definition of a "running start student" in WAC 392-169-022);

(b) Total nonvocational running start FTE enrollment;

(c) Total vocational running start FTE enrollment; and

(d) The name of each running start student and the non-vocational and vocational running start FTE reported for the student.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-105, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-105, filed 2/1/94, effective 3/4/94.]

WAC 392-169-110 Finance—School district reporting requirements. Each school district through which a running start student seeks to obtain running start program high school credit shall make all reports to the superintendent of public instruction in accordance with this chapter and chapter 392-121 WAC as are necessary to substantiate the district's entitlement to the receipt of moneys based upon the student's institution of higher education enrollment under this chapter. Running start students shall be so reported as full-time equivalent vocational and nonvocational students, or fractions thereof, in accordance with the definition of full-time equivalent students set forth in WAC 392-169-025.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-110, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-110, filed 2/1/94, effective 3/4/94.]

WAC 392-169-115 Finance—Limitations on enrollment counts. No running start student enrolled in one or more institutions of higher education reported under WAC 392-169-105 and 392-169-110 shall exceed one full-time equivalent running start student on any enrollment count date or more than one annual average full-time equivalent student in any school year.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-115, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-115, filed 2/1/94, effective 3/4/94.]

WAC 392-169-120 Finance—Documentation requirements. School districts and institutions of higher education shall maintain documentation supporting running start student enrollment and state funding claims, including the following:

(1) Institution of higher education documentation shall show each student's college or university enrollment status on each enrollment count date and evidence of the student's participation in college or university instructional activities conducted by college or university staff on at least one college or university day since the last enrollment count date. See WAC 392-169-022(3) for a description of required "instructional activities."

(2) School district documentation shall show each student's school district enrollment status on each enrollment count date and evidence that the student is earning high school graduation credit for running start enrollment reported for state funding.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-120, filed 4/14/95, effective 5/15/95.]

Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-120, filed 2/1/94, effective 3/4/94.]

ALTERNATIVE CONTRACTUAL ARRANGEMENTS

WAC 392-169-125 Current and future institution of higher education enrollment alternatives not affected. This chapter shall not affect the alternative enrollment, and arrangements, therefor, of a secondary student in an institution of higher education pursuant to a contractual agreement entered into pursuant to RCW 28B.50.530 (interschool district/college district cooperative programs) or chapter 39.34 RCW (the Interlocal Cooperation Act). See WAC 392-121-183 (Contracting with a higher education institution).

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-125, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-125, filed 2/1/94, effective 3/4/94.]

Chapter 392-170 WAC SPECIAL SERVICE PROGRAM—HIGHLY CAPABLE STUDENTS

WAC

392-170-005	Authority.
392-170-010	Purpose.
392-170-015	Local option.
392-170-020	District application.
392-170-025	Board approval.
392-170-030	Substance of annual school district application.
392-170-035	Definition—Highly capable students.
392-170-036	Definition—Unique needs.
392-170-037	Definition—Program options.
392-170-038	Definition—Special teacher.
392-170-040	Multiple criteria for determination of superior intellectual ability—Definitions.
392-170-042	Annual notification.
392-170-045	Nomination process for highly capable students.
392-170-047	Parental permission.
392-170-050	Screening of nominees.
392-170-055	Assessment process for selection as highly capable student.
392-170-060	Nondiscrimination in the use of tests.
392-170-065	Nondiscrimination in the review of testing results.
392-170-070	Multidisciplinary selection committee.
392-170-075	Selection of most highly capable.
392-170-078	Program services.
392-170-080	Educational program for highly capable students.
392-170-085	Notification of parents.
392-170-087	Program review and monitoring.
392-170-090	End of year report.
392-170-095	District records.

WAC 392-170-005 Authority. The authority for this chapter is chapter 28A.185 RCW—which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program for highly capable students, including the nomination, assessment, and selection of such students.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-170-005, filed 7/19/90, effective 8/19/90. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-005, filed 6/28/84.]

WAC 392-170-010 Purpose. The purpose of this chapter is to establish policies and procedures for administration of a program for the education of students who are highly capable.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-010, filed 6/28/84.]

(2007 Ed.)

WAC 392-170-015 Local option. The offering of a program by a school district to serve highly capable students with categorical state funds is optional. However, if the school district accepts categorical state moneys for this purpose, compliance with this chapter is mandatory.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-015, filed 6/28/84.]

WAC 392-170-020 District application. Each district that seeks an allocation of state funds for a program for highly capable students shall submit an annual application on forms provided by the superintendent of public instruction for approval.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-020, filed 6/28/84.]

WAC 392-170-025 Board approval. The district's annual application shall be approved by formal action of the district's board of directors.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-025, filed 6/28/84.]

WAC 392-170-030 Substance of annual school district application. The school district's annual application shall contain the following:

- (1) Number of students to be served by grade level;
- (2) Brief description of plan to identify students;
- (3) Program services;
- (4) Instructional program description;
- (5) Professional development;
- (6) Program evaluation and fiscal report; and
- (7) Assurances signed by the school district's authorized representative that the district shall comply with all applicable statutes and regulations.

[Statutory Authority: RCW 28A.300.070. 06-18-105, § 392-170-030, filed 9/6/06, effective 10/7/06. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-030, filed 6/28/84.]

WAC 392-170-035 Definition—Highly capable students. As used in this chapter, the term highly capable student shall mean a student who has been assessed to have superior intellectual ability as demonstrated by one or more of the multiple criteria specified in WAC 392-170-040.

These students exhibit high capability in intellectual and/or creative areas, possess an unusual leadership capacity, or excel in specific academic fields, thereby requiring services beyond the basic programs provided by schools. Outstanding abilities are present in students from all cultural groups, across all economic strata, and in all areas of human endeavor.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-035, filed 5/20/98, effective 6/20/98. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-035, filed 6/28/84.]

WAC 392-170-036 Definition—Unique needs. As used in this chapter, the term unique needs shall mean that identified highly capable students generally possess these learning characteristics:

- (1) Capacity to learn with unusual depth of understanding, to retain what has been learned, and to transfer learning to new situations;

(2) Capacity and willingness to deal with increasing levels of abstraction and complexity earlier than their chronological peers;

(3) Ability to make unusual connections among ideas and concepts;

(4) Ability to learn very quickly in their area(s) of intellectual strength;

(5) Capacity for intense concentration and/or focus.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-036, filed 5/20/98, effective 6/20/98.]

WAC 392-170-037 Definition—Program options.

Learning opportunities shown by research and practice to be especially effective with highly capable students include, but are not limited to:

(1) Accelerated learning opportunities;

(2) Grouping arrangements that provide intellectual and interest peer group interactions;

(3) Cooperative agreements between K-12 schools and institutions of higher education providing for concurrent enrollment, dual credit, and other advance and/or postsecondary options;

(4) Programs designed to coordinate, combine and/or share resources, people and facilities within a district or building in order to maximize access to and utilization of available resources for supporting students' learning;

(5) Mentorships and career exploration opportunities.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-037, filed 5/20/98, effective 6/20/98.]

WAC 392-170-038 Definition—Special teacher. A

teacher with experience and/or training in the education of highly capable students. Areas of training should include: Identification, program design and delivery, instructional practices, student assessment, and program evaluation.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-038, filed 5/20/98, effective 6/20/98.]

WAC 392-170-040 Multiple criteria for determination of superior intellectual ability—Definitions. The multiple criteria for the determination of students with superior intellectual ability shall include the following:

(1) "Cognitive ability" which for the purpose of this chapter shall be defined as the complete range of intellectual functions referred to as intellect, intelligence, or mental abilities and includes such psychological concepts as thinking, abstract reasoning, problem solving, verbal comprehension, and numerical facility.

(2) "Specific academic achievement in one or more major content areas" which for the purpose of this chapter shall be defined as obtained results on an achievement test appropriate to discriminate academic performance at high levels of achievement in one or more of the following content areas:

- (a) Reading;
- (b) Mathematics;
- (c) Social studies;
- (d) Language arts; and
- (e) Science.

(3) "Exceptional creativity" which for the purpose of this chapter shall mean the demonstration of unique or outstanding creative products and/or the demonstration of unusual problem solving ability or other learning characteristics which indicate to teachers, parents, or classmates that the student has the intellectual potential to perform academically at a level significantly higher than the norm for the chronological grade level.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-040, filed 6/28/84.]

WAC 392-170-042 Annual notification. Annual public notification of parents and students must be made before any major identification activity. The notice must be published or announced in school publications, newspapers, and/or other media, with circulation adequate to notify parents and students throughout the district.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-042, filed 5/20/98, effective 6/20/98.]

WAC 392-170-045 Nomination process for highly capable students. Each school district shall adopt procedures for the nomination of students to participate in programs for highly capable students. Such procedures shall permit nominations from any source, including teachers, other staff, parents, students, and members of the community.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-045, filed 6/28/84.]

WAC 392-170-047 Parental permission. Parental permission must be obtained in writing before:

(1) Conducting assessment(s) to determine eligibility for participation in programs for highly capable students.

(2) Providing initial special services and programs to an identified highly capable student.

Parental permission notice shall include:

(a) A full explanation of the procedures for identification and program options.

(b) An explanation of the appeal process.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-047, filed 5/20/98, effective 6/20/98.]

WAC 392-170-050 Screening of nominees. Students nominated for consideration as highly capable students may be screened for eligibility according to district procedures. Such procedures shall be applied equitably and systematically to all nominated students. Equity of access shall be assured for all nominated students. Screening procedures may eliminate students for whom there exists clear, current evidence that the student will not qualify for eligibility under WAC 392-170-055.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-050, filed 5/20/98, effective 6/20/98. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-050, filed 6/28/84.]

WAC 392-170-055 Assessment process for selection as highly capable student. Students nominated for selection as a highly capable student, unless eliminated through screening as provided in WAC 392-170-050, shall be assessed by qualified district personnel using a minimum of one measure for each of the multiple criteria in WAC 392-170-040. In

order to be considered for final selection as among the most highly capable by the multidisciplinary selection committee following assessment, there shall exist evidence of one or more of the following characteristics:

(1) Evidence that the student scores in the top ten percent in cognitive ability as demonstrated by a standardized ability test;

(2) Evidence that the student scores in the top five percent in one or more specific academic achievement area; and/or

(3) Evidence that the student demonstrates behavioral characteristics for exceptional creativity.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-055, filed 6/28/84.]

WAC 392-170-060 Nondiscrimination in the use of tests. All tests and other evaluation materials used in the assessment shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the test purport to measure. If properly validated tests are not available, the professional judgment of the qualified district personnel shall determine eligibility of the student based upon other evidence of cognitive ability or academic achievement. This professional judgment shall be documented in writing.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-060, filed 6/28/84.]

WAC 392-170-065 Nondiscrimination in the review of testing results. Test results used in the assessment of any nominated student shall be reviewed by a psychologist or other qualified practitioner with training to interpret cognitive and achievement tests. Where specific test results obtained in any assessment do not appear to the qualified district personnel to accurately reflect a student's cognitive ability or specific academic achievement, due to such reasons as test measurement error or environmental, cultural, or economic factor, the qualified district personnel shall apply professional judgment to a determination of cognitive ability or specific academic achievement. In such event, the qualified district personnel shall document in a written narrative the basis for such determination, the instruments used, if any, and the data collected for a determination of cognitive ability or specific academic achievement.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-065, filed 6/28/84.]

WAC 392-170-070 Multidisciplinary selection committee. The multidisciplinary selection committee for the final selection of the most highly capable students for participation in the district's program for highly capable students shall consist of the following professionals:

(1) A classroom teacher with training and experience in teaching highly capable students: Provided, That if such a classroom teacher is not available, a classroom teacher shall be appointed;

(2) A psychologist or other qualified practitioner with the training to interpret cognitive and achievement test results;

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(3) A district administrator with responsibility for the supervision of the district's program for highly capable students; and

(4) Such additional professionals, if any, the district deems desirable.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-070, filed 6/28/84.]

WAC 392-170-075 Selection of most highly capable. Each school district's board of directors shall adopt policies and procedures for the selection of the most highly capable students by the multidisciplinary selection committee. Such policies and selection procedures:

(1) Shall be consistent with the state board of education's prohibition against unlawful discrimination as defined in WAC 180-40-215(1);

(2) Shall be based on professional judgment as to which students will benefit the most from inclusion in the district's program, including such additional factors as the student's desire to be included in the program options provided by the district; and

(3) Shall be based on a selection system that determines which students are the most highly capable and which considers the multiple criteria in WAC 392-170-040, the assessment criteria in WAC 392-170-055, and other data collected in the assessment process: Provided, That for students whose cognitive ability score or achievement test results are not available for inclusion in the assessment because of the provision of WAC 392-170-060, the final selection ranking system shall provide an equal opportunity for such students to be included as most highly capable in spite of the fact that one or more of these scores were not available for inclusion in the assessment of such students.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-075, filed 6/28/84.]

WAC 392-170-078 Program services. Education program plans for each identified highly capable student or plans for a group of students with similar academic abilities shall be developed based on the results of the assessed academic need of that student or group of students. A variety of appropriate program services shall be made available. Once services are started, a continuum of services shall be provided and may include kindergarten through twelfth grade.

[Statutory Authority: RCW 28A.300.070. 06-18-105, § 392-170-078, filed 9/6/06, effective 10/7/06. Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-078, filed 5/20/98, effective 6/20/98.]

WAC 392-170-080 Educational program for highly capable students. Each student identified as a highly capable student shall be provided educational opportunities which take into account such students' unique needs and capabilities. Such program shall recognize the limits of the resources provided by the state and the program options available to the district, including programs in adjoining districts and public institutions of higher education. Districts shall keep on file a description of the educational program provided for each student selected.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-080, filed 5/20/98, effective 6/20/98. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-080, filed 6/28/84.]

WAC 392-170-085 Notification of parents. Each district shall notify parents of participating children of the involvement of their child in the district's program for highly gifted students.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-085, filed 6/28/84.]

WAC 392-170-087 Program review and monitoring. In order to ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor district programs no less than once every five years. Monitoring under this section may be conducted concurrently with other program reviews. The reviews shall monitor program components including:

(1) The process used by the district to identify highly capable students;

(2) Assessment data and other indicators to determine the degree to which districts are meeting the academic needs of identified students; and

(3) Highly capable program expenditures.

[Statutory Authority: RCW 28A.300.070. 06-18-105, § 392-170-087, filed 9/6/06, effective 10/7/06.]

WAC 392-170-090 End of year report. Districts shall submit to the superintendent of public instruction at the close of fiscal year an end of the year report on forms provided by the superintendent of public instruction which includes number of students served by grade level, the ethnicity and gender of such students, and program(s) provided for these students.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-090, filed 5/20/98, effective 6/20/98. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-090, filed 6/28/84.]

WAC 392-170-095 District records. Districts shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-095, filed 6/28/84.]

Chapter 392-172 WAC

RULES FOR THE PROVISION OF SPECIAL EDUCATION TO SPECIAL EDUCATION STUDENTS (Formerly chapter 392-171 WAC)

WAC

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392-172-600	School district or other public agency use of amounts.		
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392-172-620	School district or other public agency—Treatment of federal funds in certain fiscal years.	392-172-206	Facilities. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-206, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
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392-172-655	Limitation.	392-172-216	Choice and running start programs. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-216, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
392-172-660	Additional requirements.		
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392-172-060	Definition—Transition services. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-060, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00.	392-172-228	Out-of-state agencies. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-228, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory

	Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-234	School district or other public agency responsibility for private school special education students. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-234, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-236	Determination of needs, numbers of students and types of services. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-236, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-238	Service arrangements. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-238, filed 10/11/95, effective 11/11/95.] Repealed by 01-24-049, filed 11/29/01, effective 12/30/01. Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070.		
392-172-320	Authority. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-320, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-322	Purpose. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-322, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-340	Complainant right to appeal. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-340, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-346	Appeal to the secretary of education in complaints against the superintendent of public instruction. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-346, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-358	Prospective application to amendments in <i>Washington Administrative Code</i> affecting hearings. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-358, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-372	Disciplinary exclusion—Procedures, continuing district or other public agency responsibility. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-372, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-374	Disciplinary exclusion—Determination of disability relatedness and/or appropriateness of program. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-374, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-376	Disciplinary exclusion—Definition significant change of placement. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-376, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-378	Disciplinary exclusion—Determination of what constitutes a pattern of exclusion. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-378, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
392-172-380	Emergency exclusion—Dangerous students. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-380, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.		
		392-172-382	Disciplinary exclusion—Bringing a firearm to school. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-382, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-398	Aversive therapy—Parent complaint process. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-398, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-554	Scope of system. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-554, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-556	Establishment of a comprehensive system of personnel development advisory committee. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-556, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-558	Annual needs assessment. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-558, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-560	Data system on personnel and personnel development. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-560, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-562	Other sources of annual needs assessment data. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-562, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-564	Report of current and projected personnel needs. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-564, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-566	Administration of continuing education. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-566, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-568	Personnel development plan. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-568, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-570	Provision of technical assistance. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-570, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-592	Records related to grant funds. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-592, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.
		392-172-594	Program coordination. [Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-594, filed 10/11/95, effective 11/11/95.] Repealed by 99-24-137, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.

Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq.

GENERAL AUTHORITY AND PURPOSE

WAC 392-172-010 Authority. The state authority for this chapter is RCW 28A.155.090(7). This authority enables the superintendent of public instruction to promulgate rules and regulations to implement chapter 28A.155 RCW. This authority is supplemented by RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds in accordance with the provisions of federal law. Federal authority for this chapter is 20 USC 1400 et seq., the Individuals with Disabilities Education Act.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-010, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-010, filed 10/11/95, effective 11/11/95.]

WAC 392-172-020 Purposes. (1) The purposes of this chapter are to:

(a) Implement chapter 28A.155 RCW consistent with the Individuals with Disabilities Education Act, 20 United States Code section 1400 et seq.;

(b) Ensure that all special education students as defined in this chapter have available a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;

(c) Ensure that the rights of special education students and their parents are protected;

(d) Assist school districts and other public agencies to provide special education and related services; and

(e) Assess and ensure effectiveness of the public agencies responsible for providing special education pursuant to chapter 28A.155 RCW, including state residential education programs established and operated pursuant to chapter 28A.190 RCW, state schools for the deaf and blind established and operated pursuant to chapter 72.40 RCW, and education programs for juvenile inmates established and operated pursuant to chapter 28A.193 RCW.

(2) School districts and other public agencies must be aware that there are additional federal and state civil rights regulations (29 US Code 764, RCW 49.60.030, 43 USC 12101 et seq.) that apply to students who have a disability regardless of the student's eligibility for special education and related services. If a student has a physical, sensory, or mental impairment which substantially limits one or more major life activities, the district or other public agency has an obligation to provide that student appropriate educational services. Such services must be designed to meet the needs of the student with a disability to the same extent the needs of students without disabilities are met. A school district and other public agency's obligation to provide appropriate educational services to meet the needs of a student who has a disability exists separate and apart from the obligation to provide a free appropriate public education to a student who qualifies for special education and any necessary related services under these regulations.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-020, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20

U.S.C. 1400 et seq. 99-24-137, § 392-172-020, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-020, filed 10/11/95, effective 11/11/95.]

STUDENT'S RIGHTS—GENERAL

WAC 392-172-030 Students' rights to special education programs. (1) Each school district, other public agency, and residential schools operated pursuant to chapters 28A.190 and 72.40 RCW shall provide every eligible special education student between the age of three and twenty-one years, a free appropriate public education program, including special education for students who have been suspended or expelled from school. A free appropriate public education is also available to any eligible student even though the student is advancing from grade to grade. The right to special education for eligible students commences on their third birthday with an individualized education program (IEP) in effect by that date. If an eligible student's third birthday occurs during the summer, the student's individualized education program team shall determine the date when services under the individualized education program will begin.

(2) Every eligible special education student residing in a state education correctional facility is eligible for special education and related services pursuant to chapter 28A.193 RCW. The department of corrections is the agency assigned supervisory responsibility by the governor's office for any student not served pursuant to chapter 28A.193 RCW.

(3) School districts or other public agencies may provide early intervention services to eligible children with a disability. If school districts opt to serve eligible children in this age group, they must do so in the birth through two years age group under regulations implementing Part C of the IDEA. The department of social and health services is the lead state agency responsible for early intervention services to children with a disability in the birth through two years age group. Eligibility criteria for early intervention services is contained in Part C of the IDEA and WAC 392-172-114(1).

(4) Any student referred for special education and related services shall qualify pursuant to eligibility criteria set forth in this chapter.

(5) A special education student shall remain eligible for special education and any necessary related services until one of the following occurs:

(a) A group of qualified professionals and the parent of the student, based on a reevaluation determines the student is no longer in need of special education; or

(b) The special education student has met high school graduation requirements established by the school district or other public agency pursuant to rules of the state board of education, and the student has graduated from high school with a regular high school diploma. Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with WAC 392-172-302; or

(c) The special education student enrolled in the common school system or receiving services pursuant to chapter 28A.190 or 72.40 RCW has reached age twenty-one. The student whose twenty-first birthday occurs on or before August 31 would no longer be eligible for special education. The student whose twenty-first birthday occurs after August 31, shall

continue to be eligible for special education and any necessary related services for the remainder of the school year.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-030, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-030, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-030, filed 10/11/95, effective 11/11/95.]

STUDENTS—GENERAL—DEFINITIONS

WAC 392-172-035 Definitions of "free appropriate public education," "adult student," "special education student," "parent," and "public agency." As used in this chapter:

(1) "Free appropriate public education" or FAPE means special education and related services which:

(a) Are provided at public expense, under local school district or other public agency supervision and direction, and without charge to parents;

(b) Meet the standards of the state educational agency and the state board of education, including the requirements of this chapter;

(c) Include preschool, elementary school, or secondary school education in the state; and

(d) Are provided in conformance with individualized education program (IEP) requirements of this chapter.

(2) "Special education student" means:

(a) Any student, enrolled in school or not, (i) who has been identified as having a disability, (ii) whose disability adversely affects the student's educational performance, (iii) and whose unique needs cannot be addressed exclusively through education in general education classes with or without individual accommodations and is determined to be eligible for special education services; including

(b) A student who qualifies under (a) of this subsection who is served in a residential school because of adjudication or medical necessity, in accordance with chapter 28A.190 RCW; residential and day students receiving education services at the state schools for the deaf and blind in accordance with chapter 72.40 RCW; and students who are juvenile inmates, receiving education services in accordance with chapter 28A.193 RCW.

(3) If it is determined through an appropriate evaluation that a student has one of the disabilities identified in WAC 392-172-114 through 392-172-148, but only needs a related service and not specially designed instruction, the student is not a special education student under this chapter.

(4) "Adult student" means a special education student eligible under this chapter, who is eighteen years of age or older and who has not been judged incapacitated by a court of law. A student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to parents by this chapter upon attaining the age of eighteen consistent with WAC 392-172-309. The adult student shall retain and be entitled to exercise the same until he or she has been judged incapable of exercising these rights by a court of law.

(5) "Parent" means a natural or adoptive parent, a guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 392-172-308. The term includes a person acting in the place of a parent, such as a grandparent or stepparent with whom a special

education student lives, as well as persons who are legally responsible for the student's welfare. The term does not include the state if the special education student is a ward of the state. It does include a foster parent if appointed as a surrogate parent.

(6) As used in this chapter, "public agency" means:

(a) Each public school district in the state;

(b) Each educational service district that provides special education or related services to one or more students with a disability;

(c) Each state operated program identified in WAC 392-172-020 (1)(e); and

(d) Each public organization or entity, including other political subdivisions of the state providing special education and/or related services to one or more special education students regardless of whether the organization or entity receives funds under the Individuals with Disabilities Education Act.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-035, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-035, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-035, filed 10/11/95, effective 11/11/95.]

WAC 392-172-040 Definitions of "evaluation," "reevaluation," "consent," "day" and "native language." As used in this chapter:

(1) "Evaluation" means procedures used to determine:

(a) Whether a student is disabled;

(b) Whether the disability adversely affects educational performance; and

(c) The nature and extent of the student's need for specially designed instruction and any necessary related services.

(2) "Reevaluation" means procedures used to determine the special education student's continuing eligibility and need for special education and related services consistent with WAC 392-172-182 through 392-172-190. Reevaluation shall also be used to determine the appropriateness of the services being provided to the special education student.

(3) "Consent" means that the parent or adult student:

(a) Has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication;

(b) Understands and agrees in writing to the activity for which consent is sought, and the consent describes the activity and lists any records which will be released and to whom; and

(c) Understands that the granting of consent is voluntary and may be revoked at any time.

If a parent revokes consent, that revocation is not retroactive (it does not negate an action that has occurred after the consent was given and before the consent was revoked).

(4) "Day" means calendar day unless otherwise indicated as business day or school day. Business day means Monday through Friday, except for federal and state holidays, unless those holidays are specifically included in the designation of a business day in this chapter. School day means any day, including a partial day, that students are in attendance at school for instructional purposes.

(5) "Native language" means:

(a) For an individual of limited English proficiency, the language normally used by that individual, or in the case of a student, the language normally used by the parents of the student. In all direct contact with a student, including evaluation, native language means the language normally used by the child in the home or learning environment.

(b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, braille, or oral communication).

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-040, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-040, filed 10/11/95, effective 11/11/95.]

WAC 392-172-045 Definition of "special education" and other terms. (1) As used in this chapter "special education" means specially designed instruction provided to an eligible student as defined in WAC 392-172-035(2). Specially designed instruction as defined in subsection (4)(a) of this section shall be provided at no cost to the parents, in conformance with the student's IEP, and designed to meet the unique needs of the student. Specially designed instruction includes instruction conducted in the classrooms, in the home, in hospitals and institutions, and in other settings; and instruction in physical education.

(2) The term does not include individual accommodations within general education that alone would be sufficient and effective to meet the learning needs of the student; nor does it include the educational services necessary to meet the needs of those students identified under WAC 392-172-020(2).

(3) Travel training, vocational training, speech and language services, physical and occupational therapy, orientation and mobility instruction, behavioral intervention instruction, transition services, and audiological services are considered special education under this chapter if they are provided as specially designed instruction as defined in subsection (4) of this section. They are considered related services under WAC 392-172-055 if they are required to assist a special education student to benefit from special education, and not provided as specially designed instruction.

(4) The terms used in this section are defined as follows:

(a) "Specially designed instruction" means organized and planned instructional activities which adapt, as appropriate, to the needs of eligible students under this chapter, the content, methodology or delivery of instruction:

(i) To address the unique needs that result from the student's disability;

(ii) To ensure access of the student to the general curriculum so that the student can meet the educational standards of the school district or other public agency that apply to all students; and

(iii) That is provided by appropriately qualified special education certificated staff, or designed and supervised by this staff and carried out by general education certificated personnel or trained classified staff pursuant to a properly formulated IEP consistent with WAC 392-172-160 (1)(c), so that the needs of the student and services provided to the student will be clear to the parents and other IEP service providers.

Student progress must be monitored and evaluated by special education certificated staff.

(b) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as part of the general education program.

(c) "Audiology" means the provision of habilitative instruction related to a hearing impairment.

(d) "Behavioral intervention instruction" means providing instruction which addresses student behavior that impedes involvement and/or progress in the general curriculum.

(e) "Occupational therapy" is instruction designed to improve, develop or restore functions impaired or lost through illness, injury, or deprivation, or improve ability to perform tasks for independent function if functions are impaired or lost.

(f) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for students who are visually impaired, including travel training.

(g) "Physical education" means:

(i) The development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, and individual and group games and sport (including intramural and lifetime sports); and

(ii) Special physical education, adapted physical education, movement education, and motor development.

(h) "Physical therapy" means developing or restoring motor function and maintaining appropriate performance commensurate with the student's unique needs.

(i) "Speech and language services" means the provision of instruction for the habilitation of communication disorders.

(j) "Transition services" means a coordinated set of activities for a special education student that:

(i) Is designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(ii) Is based on the individual student's needs, taking into account the student's preferences and interests; and

(iii) Includes:

(A) Specially designed instruction;

(B) Related services;

(C) Community experiences;

(D) The development of employment and other post-school adult living objectives; and

(E) If appropriate, acquisition of daily living skills and functional vocational evaluation.

(k) "Travel training" means providing instruction, as appropriate, to students with significant cognitive disabilities, and other eligible students with disabilities who require this instruction, to enable them to:

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in the school, in the home, at work, and in the community).

(l) "Vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-045, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-045, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-045, filed 10/11/95, effective 11/11/95.]

WAC 392-172-055 Related services. (1) As used in this chapter, the term "related services" means transportation and such developmental, corrective, preventative and other supportive services as are required to assist a special education student to benefit from special education.

Related services include classified staff services, counseling services, early identification and evaluation of disabilities in students, medical services, parent counseling and training, psychological services, recreation, rehabilitation counseling services, school health services, social work services in schools, and transportation.

The list of related services is not exhaustive and may include other developmental, corrective, preventative or supportive services, if they are required to assist a special education student to benefit from special education.

(2) The terms used in the definition of "related services" are defined as follows:

(a) "Classified staff services" includes:

(i) Services provided by classified staff which provide for the student's safety, personal care, and instructional assistance; and

(ii) Services provided to certificated staff by classified staff which provide assistance for special education students to achieve placement in the least restrictive environment.

(b) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel. "Counseling services" also includes counseling and guidance of parents, children and teachers by audiologists regarding hearing loss and by speech pathologists regarding speech and language impairment.

(c) "Early identification and evaluation of disabilities in students" means the implementation of a formal plan for identifying a disability as early as possible in a student's life.

(d) "Medical services" means diagnostic and evaluation services provided by a licensed physician to determine a student's medically related disabling condition which may result in the student's need for special education and related services.

(e) "Parent counseling and training" means assisting parents in understanding the special needs of their child, providing parents with information about child development, and helping parents to acquire the necessary skills that will allow them to support the implementation of their student's IEP.

(f) "Psychological services" includes:

(i) Administering psychological and educational tests, and other evaluation procedures;

(ii) Interpreting evaluation results;

(iii) Obtaining, integrating, and interpreting information about the student's behavior and conditions relating to learning;

(iv) Consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests, interviews, and behavioral evaluations;

(v) Planning and managing a program of psychological services, including psychological counseling for students and parents; and

(vi) Assisting in developing positive behavioral intervention strategies.

(g) "Recreation" includes:

(i) Assessment of leisure function;

(ii) Therapeutic recreation services;

(iii) Recreation programs in school and community agencies; and

(iv) Leisure education.

(h) "Rehabilitation counseling services" means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a special education student. The term also includes vocational rehabilitation services provided to special education students by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

(i) "School health services" means nursing or other health services provided to a special education student by a qualified school nurse, registered nurse, licensed practical nurse or other persons qualified or appropriately trained to provide the services in the student's educational setting.

(j) "Social work services in schools" include:

(i) Preparing a social or developmental history on a special education student;

(ii) Group and individual counseling with the student and family;

(iii) Working in partnership with parents and others on those problems in a student's living situation (home, school, and/or community) that affect the student's adjustment in school;

(iv) Mobilizing school and community resources to enable the student to benefit from his or her educational program; and

(v) Assisting in developing positive behavioral intervention strategies.

(k) "Transportation" includes:

(i) Travel to and from school and between schools;

(ii) Travel in and around school buildings; and

(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a special education student.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-055, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-055, filed 10/11/95, effective 11/11/95.]

WAC 392-172-065 Definition—Supplementary aids and services. As used in this chapter, the term "supplementary aids and services" means aids, services, and other supports that are provided in general education classes or other

education-related settings to enable special education students to be educated with nondisabled students to the maximum extent appropriate in accordance with the least restrictive environment requirements in WAC 392-172-172.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-065, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-065, filed 10/11/95, effective 11/11/95.]

WAC 392-172-070 Definition—Assistive technology device. The term "assistive technology device" means any item, piece of equipment, or product system—whether acquired commercially off the shelf, modified, or customized—that is used to increase, maintain, or improve the functional capabilities of special education students.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-070, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-070, filed 10/11/95, effective 11/11/95.]

WAC 392-172-073 Definition—Assistive technology service. The term "assistive technology service" means any service that directly assists a special education student in the selection, acquisition, or use of an assistive technology device. The term includes:

- (1) The evaluation of the needs of a special education student, including a functional evaluation of the student in the student's customary environment;
- (2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by special education students;
- (3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;
- (4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (5) Training or technical assistance for a special education student, or if appropriate, the student's family; and
- (6) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ or are otherwise substantially involved in the major life functions of special education students.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-073, filed 12/1/99, effective 1/1/00.]

WAC 392-172-075 Availability of assistive technology. Each public agency shall ensure that assistive technology devices or assistive technology services, or both, are made available to a special education student if required as part of the student's:

- (1) Special education;
- (2) Related services; or
- (3) Supplementary aids and services.

On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's IEP team determines that the student needs access to those devices in order to receive FAPE.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-075, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-075, filed 10/11/95, effective 11/11/95.]

WAC 392-172-080 Proper functioning of hearing aids. Each school district or other public agency shall ensure that the hearing aids worn in school by special education students with hearing impairments, including deafness, are functioning properly.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-080, filed 11/29/01, effective 12/30/01.]

STUDENT SPECIFIC PROCEDURES

Identification

WAC 392-172-100 Child find. (1) The local district or other public agency shall conduct child find activities that apply to students ages birth through twenty-one for the purpose of locating, evaluating and identifying students with a suspected disability, regardless of the severity of their disability, who are residing within the boundaries of the district or other public agency and who are not currently receiving special education and related services.

These activities shall extend to students attending private schools, including religious schools. The activities undertaken to carry out child find in private schools shall be:

- (a) Comparable to activities undertaken in public schools; and
 - (b) Developed in consultation with appropriate representatives of private school students on how to carry out the activities described in this section.
- (2) Child find activities must be calculated to reach:
- (a) Highly mobile students with disabilities, such as homeless and migrant students; and
 - (b) Students who are suspected of being a student with a disability and in need of special education, even though they are advancing from grade to grade.

(3) The local school district, or other public agency shall have policies and procedures in effect that describe the methods it uses to conduct child find activities in accordance with subsections (1) and (2) of this section. Methods used may include but are not limited to: Written notification to all parents of students in the district's or other public agency's jurisdiction regarding access to and the use of its child find system; posting notices in school buildings and other public areas describing the availability of special education programs; offering preschool developmental screening; conducting local media informational campaigns; coordinating distribution of information with other child find programs within public and nonpublic agencies; screening district-wide test results; inservice education to staff; and other methods developed by the school district to identify, locate and evaluate students. Such methods may also include a systematic, intervention based, process within general education for determining the need for a special education referral.

(4) The collection and use of data to meet the requirements of this section are subject to the confidentiality requirements in WAC 392-172-400 through 392-172-426.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-100, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-100, filed 10/11/95, effective 11/11/95.]

WAC 392-172-102 Referrals. A referral of a student suspected of having a disability may be initiated by any source, in writing (or verbally, if the individual is unable to write) including but not limited to parents, medical personnel, school district or other public agency personnel, community agencies, civil authorities, through district screening procedures, and by other interested persons.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-102, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-102, filed 10/11/95, effective 11/11/95.]

WAC 392-172-104 Referral procedures—Time line.

(1) When a student suspected of having a disability is brought to the attention of school personnel under WAC 392-172-102, the school district or other public agency must document the referral and:

(a) Provide the student's parent(s) or the adult student written notice that the student has been referred because of a suspected disabling condition and that the district or other public agency, with parental input, will determine whether or not there is good reason to believe that the student is a candidate for evaluation;

(b) Review the referral;

(c) Collect and examine existing school, medical and other records in the possession of the parent, school district or other public agency; and

(d) Within twenty-five school days after receipt of the referral, make a determination whether or not the student is a candidate for evaluation. This decision shall be recorded in writing and shall set forth the date and the names of the persons making the decision. The superintendent or designee shall direct a notice to the student's parent(s) or the adult student that complies with the requirements of WAC 392-172-302.

(2) When the student is a candidate for evaluation, the school district or other public agency shall obtain consent, fully evaluate the student and arrive at a decision pursuant to WAC 392-172-111 within:

(a) Thirty-five school days after the date written consent for an evaluation has been provided by the parent(s) or the adult student; or

(b) Thirty-five school days after the date the refusal of the parent(s) or the adult student to grant consent has been overridden pursuant to a hearing (or appeal) in accordance with WAC 392-172-350 et seq.; or

(c) Such other time period as may be agreed to by the parent(s) or the adult student and documented by school authorities, including specifying the reasons for extending the time line.

(3) If determined eligible under this chapter, a meeting will be held consistent with WAC 392-172-156, to develop an IEP, and special education and any necessary related services will be made available to the student in accordance with this chapter.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-104, filed 12/1/99, effective 1/1/00. Stat. (2007 Ed.)

utory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-104, filed 10/11/95, effective 11/11/95.]

Meetings

WAC 392-172-105 Parent participation in meetings and notice. (1) Parents shall be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and provision of a free appropriate public education to the student.

(2) For meetings other than IEP or educational placement meetings each public agency shall notify parents consistent with WAC 392-172-15700 (1)(a) and (2) to ensure that parents have the opportunity to participate in the meetings. The school district or public agency will notify parents consistent with WAC 392-172-15700 for IEP meetings and WAC 392-172-15705 for placement meetings.

(3) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the student's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-105, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-105, filed 12/1/99, effective 1/1/00.]

Evaluation Procedures

WAC 392-172-106 General areas of evaluation. (1)

The evaluation of a student shall be in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(2) The evaluation shall be sufficiently comprehensive to identify all of the student's special education and any necessary related services needs, whether or not commonly linked to the disability category in which the student has been classified.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-106, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-106, filed 10/11/95, effective 11/11/95.]

WAC 392-172-108 Evaluation procedures. The evaluation or reevaluation of a special education student or any student being considered for special education services shall be performed using the procedures established in this chapter. Each school district or other public agency shall establish and implement evaluation procedures which meet the requirements of this chapter.

(1) Before the initial provision of special education and any necessary related services, a full and individual initial evaluation of the student's educational needs must be conducted.

(2)(a) The evaluation of a student with a suspected disability will be conducted by a group of qualified profession-

als selected by the district or other public agency and knowledgeable about the student and the suspected areas of disabilities.

(b) For a student suspected of having a learning disability, the determination of whether the student is eligible under this chapter shall be made by child's parent(s) and a group of qualified professionals which must include:

- (i) The student's general education classroom teacher; or
- (ii) If the child does not have a general education classroom teacher, a general education classroom teacher qualified to teach a child of his or her age; or
- (iii) For a child of less than school age, an individual qualified to teach a child of his or her age; and
- (iv) At least one individual qualified to conduct individual diagnostic examinations of children, such as school psychologist, speech language pathologist, or remedial reading teacher.

(3) Each professional member of the evaluation group shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules.

(4) A variety of assessment tools and strategies shall be used to gather relevant functional and developmental information about the student, including information provided by the parents, and information related to enabling the student to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining:

- (a) Whether the student is a special education student consistent with WAC 392-172-035(2); and
- (b) The content of the student's individualized education program.

(5) No single procedure shall be the sole criterion for determining a student's eligibility or disabling condition and/or for determining the appropriate educational program for a student.

(6) Tests and other evaluation materials, used for the purpose of identification, special education needs, related services needs, and placement shall be selected and administered so as not to be racially or culturally discriminatory.

(7) Materials and procedures used to assess a student with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English language skills.

(8) Any standardized tests and other evaluation materials that are given to a student shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests are designed to measure. If properly validated tests are unavailable, each member of the group shall use professional judgment to determine eligibility for special education based on other evidence of the existence of a disability and need for special education. This professional judgment shall be documented in the evaluation report. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

(9) All tests and other evaluation materials shall be administered by trained and knowledgeable personnel in conformance with the instructions of the test producer.

(10) Tests and other evaluation materials shall be provided and administered in a student's native language or other mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test is designed to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test is intended to measure). Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(11) Each school district or other public agency shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(12) Each school district or other public agency shall use assessment tools and strategies that provide relevant information that directly assist persons in determining the educational needs of the student.

(13)(a) Medical evaluations at the expense of a school district or other public agency shall be obtained if:

- (i) The group described in WAC 392-172-108(2) suspects a student of having a health problem which may affect his or her eligibility and need for special education and any necessary related services; and
- (ii) In accordance with criteria established by the school district or other public agency.

(b) Medical evaluation services necessary to make a determination of the educational needs of residential school students, shall be the responsibility of the department of social and health services pursuant to RCW 28A.190.040. The state schools for the deaf and blind are responsible for the provision of these services under chapter 72.40 RCW.

(14) An evaluation report and documentation of determination of eligibility shall be developed consistent with the requirements of WAC 392-172-10905 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-108, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-108, filed 10/11/95, effective 11/11/95.]

WAC 392-172-10900 Determination of needed evaluation data for an initial evaluation. (1) As part of an initial evaluation, if appropriate, a group that includes the individuals described in WAC 392-172-153, and other qualified professionals, as appropriate, shall:

Review existing evaluation data on the student, including:

- (a) Evaluations and information provided by the parents of the student;
- (b) Current classroom-based assessment and observations; and
- (c) Observations by teachers and related services providers.

(2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:

(a) Whether the student has a particular category of disability as described in this chapter;

(b) The present levels of performance and educational needs of the student; and

(c) Whether the student needs special education and related services.

(3) The public agency shall administer tests and any other evaluation materials, pursuant to WAC 392-172-108 as may be needed to produce the data required to make the determinations listed in subsection (2) of this section.

(4) The group described in subsection (1) of this section may conduct its review without a meeting. If the school district or other public agency conducts a meeting for the purposes under this section, parents must have an opportunity to participate in the meeting consistent with WAC 392-172-105.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-10900, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-10900, filed 12/1/99, effective 1/1/00.]

WAC 392-172-10905 Evaluation report and documentation of determination of eligibility. (1) In interpreting evaluation data for the purpose of determining if a student is a special education student under this chapter, and the educational needs of the student, each public agency shall:

(a) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

(b) Ensure that information obtained from all of these sources is documented and carefully considered.

(2) A student may not be determined to be a special education student if the determinant factor for that decision is:

(a) Lack of instruction in reading or math; or

(b) Limited English proficiency; and

(c) The student does not otherwise meet the eligibility criteria in this chapter.

(3) An evaluation report shall be sufficient in scope to develop an IEP consistent with WAC 392-172-160 through 392-172-164 and, at a minimum, must include:

(a) A statement of whether the student has a disability that meets the eligibility criteria in this chapter;

(b) How the student's disability affects the student's involvement and progress in the general curriculum or for preschool children, in appropriate activities;

(c) The recommended special education and related services needed by the student including specially designed instruction;

(d) Other information, as determined through the evaluation process and parental input, needed to develop an IEP;

(e) A statement that the student was evaluated in accordance with the evaluation procedures in WAC 392-172-108; and

(f) The date and signature of each professional member of the group certifying that the evaluation report represents his or her conclusion. If the evaluation report does not reflect

his or her conclusion, the professional member of the group must include a separate statement representing his or her conclusions.

(4) For a student suspected of having a learning disability, the evaluation report must be signed by all members of the evaluation group in WAC 392-172-108 (2)(b) and must also include a statement of:

(a) All of the information required in subsection (1) of this section and the information required in WAC 392-172-132;

(b) The specific learning disability(ies);

(c) The basis for making the determination;

(d) The relevant behavior noted during the observation of the student;

(e) The relationship of that behavior to the student's academic functioning;

(f) The medically relevant findings, if any;

(g) A statement about whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and

(h) The determination of the group concerning the effects of environmental, cultural, or economic disadvantage.

(5) Each professional member of the group who contributed to the evaluation report shall document the results of their individual assessments. This documentation must include:

(a) The procedures and instruments used in any assessment and the results obtained;

(b) Any conclusions from observations of the student; and

(c) A statement of the apparent significance of the findings as related to the student's suspected disability(ies) and instructional program.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-10905, filed 12/1/99, effective 1/1/00.]

WAC 392-172-111 Determination of eligibility and parental notification. (1) Upon completing the administration of tests and other evaluation materials:

(a) Consistent with WAC 392-172-105, a group of qualified professionals and the parent of the student shall determine whether the student is a special education student in need of special education and any necessary related services, as defined in this chapter; and

(b) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

(2) If a determination is made that a student has a disability and needs special education and related services, an IEP must be developed for the student in accordance with this chapter.

(3) If the decision is that the student is not eligible for special education, the parent(s) of the student shall be informed in writing of the evaluation findings in compliance with the notice requirements of WAC 392-172-302, within ten school days following the completion of the evaluation.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-111, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-111, filed 12/1/99, effective 1/1/00.]

Eligibility Criteria for Students with Disabilities

WAC 392-172-114 Definition and eligibility criteria for developmentally delayed. Definition and eligibility criteria for developmentally delayed are as follows:

(1) As used in this chapter, the term "developmentally delayed, birth to three years" shall mean those children under three years of age who:

(a) Meet the eligibility criteria established in Part C of IDEA; or

(b) Qualify for one of the other eligibility categories specified in this chapter; and

(c) Are in need of early intervention services under Part C of IDEA. Children who qualify for early intervention services must be evaluated prior to age three in order to determine eligibility for special education and related services.

(2) As used in this chapter, the term "developmentally delayed, three to six years" shall mean those children between three and six years of age who demonstrate a delay on a standardized norm referenced test, with a test-retest or split-half reliability of .80 that is at least:

(a) Two standard deviations below the mean in one or more of the five developmental areas defined in WAC 392-172-116; or

(b) One and one-half standard deviations below the mean in two or more of the five developmental areas defined in WAC 392-172-116; or

(c) Qualify for one of the other eligibility categories specified in this chapter; and

(d) Are in need of special education and any necessary related services.

(e) Children aged six to nine years who previously qualified as "developmentally delayed, three to six years," may at the option of the school district or other public agency, continue to be eligible under the criteria for "developmentally delayed, three to six years" until they are reevaluated, but not later than three years after the eligibility decision for "developmentally delayed, three to six years" was initially made.

(3) As used in this chapter, the term "developmentally delayed, six to nine years" shall mean those children between six and nine years of age who either continue to qualify under subsection (2)(e) of this section, or demonstrate a delay on a standardized norm referenced test, with a test-retest or split-half reliability of .80 that is at least:

(a) Two standard deviations below the mean in one or more of the five developmental areas defined in WAC 392-172-116; or

(b) Qualify for one of the other eligibility categories specified in this chapter; and

(c) Are in need of special education and any necessary related services.

(4) Children who qualify for special education as "developmentally delayed, six to nine years" must be reevaluated prior to the age of nine consistent with WAC 392-172-182 et seq. and a determination made that the child either:

(a) Qualifies under the provisions of one of the other disabling conditions in this chapter; or

(b) Is no longer in need of special education and related services.

(5) A school district or other public agency is not required to adopt and use the category "developmentally delayed" for children, three to nine, within its jurisdiction.

(6) If a school district or other public agency uses the category "developmentally delayed," the district or public agency must conform to both the definition and age range of three to nine, established under this section.

(7) School districts or other public agencies who use the category "developmentally delayed," may also use any other eligibility category at any time.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-114, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-114, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-114, filed 10/11/95, effective 11/11/95.]

WAC 392-172-116 Areas of developmental delay—Definitions. The five developmental areas for the purpose of applying eligibility criteria to developmentally delayed children are:

(1) Cognitive development: Comprehending, remembering, and making sense out of one's experience. Cognitive ability is the ability to think and is often thought of in terms of intelligence;

(2) Communication development: The ability to effectively use or understand age-appropriate language, including vocabulary, grammar, and speech sounds;

(3) Physical development: Fine and/or gross motor skills requiring precise, coordinated, use of small muscles and/or motor skills used for body control such as standing, walking, balance, and climbing;

(4) Social or emotional development: The ability to develop and maintain functional interpersonal relationships and to exhibit age appropriate social and emotional behaviors; and

(5) Adaptive development: The ability to develop and exhibit age appropriate self-help skills, including independent feeding, toileting, personal hygiene and dressing skills.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-116, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-116, filed 10/11/95, effective 11/11/95.]

WAC 392-172-118 Definition and eligibility for emotionally/behaviorally disabled. (1) Students who are emotionally/behaviorally disabled are those who exhibit over a long period of time and to a marked degree, one or more of the following characteristics, which adversely affects their educational performance and requires specially designed instruction:

(a) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term includes students who are schizophrenic.

(3) The term does not include students who are socially maladjusted, unless it is determined that they are also emotionally/behaviorally disabled.

(4) All students considered for special education and any necessary related services in this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-118, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-118, filed 10/11/95, effective 11/11/95.]

WAC 392-172-120 Definition and eligibility for communication disorder. A student shall be considered to have a communication disorder if there is a documented speech or language impairment such as stuttering, voice disorder, language impairment, or impaired articulation which adversely affects a student's educational performance and requires specially designed instruction.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-120, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-120, filed 10/11/95, effective 11/11/95.]

WAC 392-172-122 Definition and eligibility for orthopedically impaired. Students who are orthopedically impaired are those who lack normal function of muscles, joints or bones due to congenital anomaly, disease or permanent injury, and such conditions adversely affect their educational performance and require specially designed instruction.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-122, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-122, filed 10/11/95, effective 11/11/95.]

WAC 392-172-124 Definition and eligibility for health impaired. Students with health impairments are those who have limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment due to chronic or acute health problems, such as a heart condition, rheumatic fever, nephritis, asthma, attention deficit disorder or attention deficit hyperactivity disorder, sickle cell anemia, hemophilia, lead poisoning, leukemia, or diabetes, that adversely affect their educational performance and require specially designed instruction.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

(2007 Ed.)

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-124, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-124, filed 10/11/95, effective 11/11/95.]

WAC 392-172-126 Definition and eligibility for specific learning disability. (1) Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(2) Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(3) All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability in accordance with the procedures in WAC 392-172-106 through 392-172-111 in addition to the procedures set forth in WAC 392-172-128 through 392-172-132.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-126, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-126, filed 10/11/95, effective 11/11/95.]

WAC 392-172-128 Specific learning disability—Evaluation procedures. The group described in WAC 392-172-108 (2)(b) may determine that a student has a specific learning disability if:

(1) The student does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in subsection (2) of this section, if provided with learning experiences appropriate for the student's age and ability levels;

(2) The group finds that a student has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:

- (a) Oral expression.
- (b) Listening comprehension.
- (c) Written expression.
- (d) Basic reading skill.
- (e) Reading comprehension.
- (f) Mathematics calculations.
- (g) Mathematics reasoning;

(3) The group may not identify a student as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:

- (a) A visual, hearing, or motor impairment;
 - (b) Mental retardation;
 - (c) Emotional/behavioral disability; or
 - (d) Environmental, cultural or economic disadvantage;
- (4) At least one group member other than the student's general education teacher shall observe the student's academic performance in the general classroom setting;

(5) In the case of a student of less than school age or out of school, a group member shall observe the student in an environment appropriate for a student of that age;

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(6) Written documentation that the student has an academic achievement problem in the general education program shall be available. Examples of data used for documentation may include:

- (a) Student performance on daily classroom work and/or criterion-referenced tests;
 - (b) Summary of past student performance;
 - (c) Group test results;
 - (d) Teacher observation and judgments; and
 - (e) Performance on state established standards;
- (7) Documentation of the existence of a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas specified in this section shall be recorded. Such documentation shall conform to the requirements of WAC 392-172-132; and

(8) Tests used to assess the student's intellectual ability and academic achievement shall be:

- (a) Reliable as demonstrated by a reliability coefficient of .85 or above;
- (b) Normed on representative national samples; and
- (c) Selected and individually administered in accordance with the general requirements of WAC 392-172-106 through 392-172-108.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-128, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-128, filed 10/11/95, effective 11/11/95.]

WAC 392-172-130 Discrepancy tables for determining severe discrepancy under WAC 392-172-132. The superintendent of public instruction shall develop and publish discrepancy tables for the purpose of determining a severe discrepancy between intellectual ability and academic achievement pursuant to WAC 392-172-132. Such tables shall be developed on the basis of a regressed standard score discrepancy method which shall consider the following variables:

- (1) The reliability coefficient of the intellectual ability test;
- (2) The reliability coefficient of the academic achievement test; and
- (3) An appropriate correlation between the intellectual ability and the academic achievement tests.

The regressed standard score discrepancy method shall be applied at a criterion level of 1.55.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-130, filed 10/11/95, effective 11/11/95.]

WAC 392-172-132 Method for documenting severe discrepancy. (1) A severe discrepancy shall be determined and documented from tables developed pursuant to WAC 392-172-130.

(2) For the purposes of applying the severe discrepancy tables, the following scores shall be used:

- (a) A total or full scale intellectual ability score;
- (b) An academic achievement test score which can be converted into a standard score with a mean of one hundred and a standard deviation of fifteen; and
- (c) A severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas provided for in WAC 392-172-128 shall be deter-

mined by applying the regressed standard score discrepancy method to the obtained intellectual ability and achievement test scores using the tables referenced above. Where the evaluation results do not appear to accurately represent the student's intellectual ability and where the discrepancy between the student's intellectual ability and academic achievement does not initially appear to be severe upon application of the discrepancy tables in WAC 392-172-130, the evaluation group, described in WAC 392-172-108 (2)(b), shall apply professional judgment in order to determine the presence of a severe discrepancy. In this event, the group shall document in a written narrative an explanation as to why the student has a severe discrepancy. The written narrative must provide supportive evidence, including the procedures used to determine that a severe discrepancy exists between the student's intellectual ability and academic achievement. If the prohibition against the use of specific tests or test results as provided in WAC 392-172-108 precludes the use of any of the tests referenced above, the evaluation group shall document the basis upon which the members decided that there exists a severe discrepancy.

(3) Each member of the evaluation group shall certify in writing whether the evaluation report in WAC 302-172-10905 (3) and (4) reflects his or her conclusion. If it does not, the group member must submit a separate statement presenting his or her conclusion.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-132, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-132, filed 10/11/95, effective 11/11/95.]

WAC 392-172-134 Definition and eligibility for mental retardation. Students with mental retardation are those who demonstrate significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects their educational performance and requires specially designed instruction.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-134, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-134, filed 10/11/95, effective 11/11/95.]

WAC 392-172-136 Definition and eligibility for multiple disabilities. Multiple disabilities means concomitant impairments which adversely affect education performance and require specially designed instruction (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and

in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-136, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-136, filed 10/11/95, effective 11/11/95.]

WAC 392-172-138 Definition and eligibility for deafness. Students who are deaf are those students who have a documented hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects educational performance and requires specially designed instruction.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-138, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-138, filed 10/11/95, effective 11/11/95.]

WAC 392-172-140 Definition and eligibility criteria for hearing impairment. Students with hearing impairments have impaired hearing, whether permanent or fluctuating, that adversely affects the student's educational performance and requires specially designed instruction but is not included under the definition of deafness.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-140, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-140, filed 10/11/95, effective 11/11/95.]

WAC 392-172-142 Definition and eligibility for visually impaired/blindness. Students with a visual impairment including blindness have an impairment that, even with correction, adversely affects the student's educational performance and requires specially designed instruction. The term includes both partial sight and blindness.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-142, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-142, filed 10/11/95, effective 11/11/95.]

WAC 392-172-144 Definition and eligibility for deaf/blindness. Students with deaf/blindness are those whose hearing and vision impairments, in combination, cause such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or

blindness. The impairments adversely affect the student's educational performance and require specially designed instruction.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-144, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-144, filed 10/11/95, effective 11/11/95.]

WAC 392-172-146 Definition and eligibility for autism. "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a student's educational performance and requires specially designed instruction. If a student manifests characteristics of autism after age three, that student still could be diagnosed as having autism if the criteria in this section are satisfied.

Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines and unusual responses to sensory experiences.

The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional/behavioral disability, as defined in this chapter. The category of autism includes students with pervasive developmental disorders.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-146, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-146, filed 10/11/95, effective 11/11/95.]

WAC 392-172-148 Definition and eligibility for traumatic brain injury. "Traumatic brain injury" means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance and requires specially designed instruction. The term applies to open or closed head injuries resulting in impairments in one or more of the following areas such as: Cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

All students being considered for eligibility for special education and any necessary related services under this category shall be evaluated in all areas of suspected disability and in accordance with the procedures in WAC 392-172-106 through 392-172-111.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-148, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-148, filed 10/11/95, effective 11/11/95.]

WAC 392-172-150 Independent educational evaluation. (1) Parents of a special education student or a student referred for special education have the right under this chapter to obtain an independent educational evaluation of the student if the parent disagrees with the school district's or other public agency's evaluation subject to subsections (4) through (11) of this section.

(2) Each school district or other public agency shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in subsections (10) and (11) of this section.

(3) For the purposes of this section:

(a) Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the school district or other public agency responsible for the education of the student in question; and

(b) Public expense means that the school district or other public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with this chapter.

(4) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district or other public agency.

(5) If a parent requests an independent educational evaluation at public expense, the school district or other public agency must either:

(a) Initiate a hearing within fifteen days under this chapter to show that its evaluation is appropriate; or

(b) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under this chapter that the evaluation obtained by the parent did not meet agency criteria.

(6) If the school district or other public agency initiates a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(7) If a parent requests an independent educational evaluation, the school district or other public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the school district or other public agency must either provide the independent educational evaluation at public expense or initiate a due process hearing to defend the public evaluation.

(8) If the parent obtains an independent educational evaluation at public or private expense, the results of the evaluation:

(a) Must be considered by the school district or other public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the student; and

(b) May be presented as evidence at a hearing under this chapter regarding that student.

(9) If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(10) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district or other public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

(11) Except for the criteria described in subsection (10) of this section, a school district or other public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-150, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-150, filed 10/11/95, effective 11/11/95.]

Individual Education Program

WAC 392-172-153 IEP team members. The school district or other public agency shall ensure that the IEP team for each special education student includes:

(1) The parent(s) of the student;

(2) At least one general education teacher (or preschool education provider) of the student if the student is, or may be participating, in the general education environment;

(3) At least one special education teacher of the student, or if appropriate, at least one special education provider of the student;

(4) A representative of the school district or public agency who:

(a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of special education students;

(b) Is knowledgeable about the general curriculum; and

(c) Is knowledgeable about the availability of resources of the school district or other public agency.

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in subsections (2) through (6) of this section.

(6) At the discretion of the parent or the school district or other public agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate;

(7) If appropriate, the student; and

(8) Transition services participants as described in WAC 392-172-166.

The determination of the knowledge or special expertise of any individual described in this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP team.

A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in this section are satisfied.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-153, filed 12/1/99, effective 1/1/00.]

WAC 392-172-156 IEP meetings. A meeting shall be held within thirty calendar days after the date the eligible student's evaluation is completed and group of qualified professionals and the parent determine the student is eligible pursuant to WAC 392-172-111 for the purpose of developing the student's individualized education program. Meetings consistent with this section shall be conducted by the school district or other public agency periodically but at least annually for the purpose of reviewing and revising as necessary each student's individualized education program, to determine whether the annual goals for the student are being achieved. The individualized education program shall be revised, as appropriate, to address: Any lack of expected progress toward the annual goals and in the general curriculum if appropriate; the results of any reevaluation conducted; information about the student provided to, or by, the parents; the student's anticipated needs; or other matters.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-156, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-156, filed 10/11/95, effective 11/11/95.]

WAC 392-172-15700 Parent and general education teacher participation in IEP meetings. (1) Each school district or other public agency shall take steps to ensure (in the case of nonadult students) that one or both parents of the special education student are present at each IEP meeting or are afforded the opportunity to participate, by:

(a) Notifying the parent(s) of the meeting early enough to ensure that they will have an opportunity to attend; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(2) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance. If the purpose of the meeting is to develop, review or revise an IEP, the notice shall also inform the parents of the provisions relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student. If the purpose of the meeting is the consideration of transition needs or services, the provisions in WAC 392-172-164 and 392-172-166 apply.

(3) If neither parent can attend the IEP meeting, the district or other public agency shall use other methods to ensure participation, including individual or conference telephone calls, or video conferencing.

(4) If neither parent can attend (in the case of a nonadult student), an IEP meeting may be conducted without a parent if the district or other public agency is unable to convince the parents that they should attend. In such a case the school district or other public agency must have a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(5) The school district or other public agency shall take whatever action is necessary to ensure that the parent or adult student understands the proceedings at an IEP meeting, or

any other meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(6) The general education teacher of a special education student (or preschool education provider), as a member of the individualized education program team, must, to the extent appropriate, participate in the development, review, and revision of the student's individualized education program, including assisting in:

(a) The determination of appropriate positive behavioral interventions and strategies for the student; and

(b) The determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student consistent with WAC 392-172-160 (1)(c).

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-15700, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-15700, filed 12/1/99, effective 1/1/00.]

WAC 392-172-15705 Parent involvement in placement decisions. (1) Each public agency shall ensure that the parents of each special education student are afforded the opportunity to be members of any team that makes decisions on the educational placement of their student.

(2) In implementing the requirements of this section, the public agency shall use procedures consistent with the procedures described in WAC 392-172-15700.

(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their student, the public agency shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

(4) A placement decision may be made by a team without the involvement of the parents, if the public agency is unable to obtain the parents' participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement, including information that is consistent with the requirements of WAC 392-172-15700.

(5) The public agency shall make reasonable efforts to ensure that the parents understand, and are able to participate in, any team discussions relating to the educational placement of their student, consistent with WAC 392-172-15700.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-15705, filed 12/1/99, effective 1/1/00.]

WAC 392-172-158 Individualized education program—Implementation. (1) At the beginning of each school year, each public agency shall have in effect an individualized education program for every special education student within its jurisdiction. An individualized education program must:

(a) Be in effect before special education and related services are provided to an eligible student; and

(b) Be implemented as soon as possible following the meetings under this chapter.

(2) The student's IEP shall be accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation; and

(3) Each teacher and provider described above shall be informed of:

(a) His or her specific responsibilities related to implementing the student's IEP; and

(b) The specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-158, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-158, filed 10/11/95, effective 11/11/95.]

WAC 392-172-159 Development, review, and revision of individualized education program-consideration of special factors. (1) In developing, reviewing and revising each student's individualized education program, the team shall consider:

(a) The strengths of the student and the concerns of the parents for enhancing the education of their student; and

(b) The results of the initial or most recent evaluation of the student; and

(c) As appropriate, the results of the student's performance on any general state or district-wide assessment programs.

(2) The individualized education program team also shall:

(a) In the case of a student whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(b) In the case of a student with limited English proficiency, consider the language needs of the student as these needs relate to the student's individualized education program;

(c) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;

(d) Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and

(e) Consider whether the student requires assistive technology devices and services.

(3) If, in considering the special factors described above, the IEP team determines that a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education, the IEP team must include a statement to that effect in the student's individualized education program.

(4) Nothing in this section requires the team to include information under one component of a student's individual-

ized education program that is already contained under another component of the student's individualized education program.

(5) Notwithstanding subsections (1) through (3) of this section, an IEP team of a special education student convicted as an adult and receiving services under chapter 28A.193 RCW, may modify the student's IEP if there is a demonstrated bona fide security or compelling penological interest that cannot otherwise be accommodated.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-159, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-159, filed 12/1/99, effective 1/1/00.]

WAC 392-172-160 Individualized education program. (1) Each student's individualized education program shall include:

(a) A statement of the student's present levels of educational performance, including:

(i) How the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students); or

(ii) For preschool students, as appropriate, how the disability affects the student's participation in appropriate activities.

(b) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:

(i) Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled students), or for preschool students, as appropriate, to participate in appropriate activities; and

(ii) Meeting each of the student's other educational needs that result from the student's disability.

(c) A statement of the special education and any necessary related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student consistent with WAC 392-172-045 (4)(a):

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other special education students and nondisabled students in the activities described in this section.

(d) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general class and in activities described in this section.

(e) A statement of any individual modifications in the administration of state or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the individualized education program team determines that the student will not participate in a particular state or district-wide assessment of student achievement (or part of an assessment), a statement of:

(i) Why that assessment is not appropriate for the student; and

(ii) How the student will be assessed.

Provided, students incarcerated in adult correctional facilities and served pursuant to chapter 28A.193 RCW are not required to participate in assessments described in this subsection.

(f) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications.

(g) A statement of:

(i) How the student's progress toward the annual goals described in this section will be measured; and

(ii) How the student's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled student's progress of:

(A) The annual goals; and

(B) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

(h) For each special education student beginning at age fourteen (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced placement courses or a vocational education program).

(i) For each student beginning at age sixteen (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages. Consistent with chapter 28A.193 RCW, transition needs and services do not need to be considered or provided under (h) and (i) of this subsection, if a student's eligibility for special education services will end because of age before he/she will be eligible to be released from the adult correctional facility based on consideration of his/her sentence and eligibility for early release.

(j) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP, the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(k) Beginning at least one year before a student reaches age eighteen, consistent with WAC 392-172-309, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority.

(l) Aversive interventions, if applicable, consistent with WAC 392-172-388 through 392-172-398. The individualized education program shall describe the positive interventions attempted by the district or other public agency prior to the use of aversive interventions.

(m) Extended school year services, pursuant to WAC 392-172-163.

(2) Nothing in this chapter relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to special education students who meet the eligibility criteria of that agency.

(3) The school district or other public agency shall provide the parent or the adult student a copy of the individualized education program at no cost.

(4) Each public agency must:

(a) Provide special education and related services to a special education student in accordance with an individualized education program; and

(b) Make a good faith effort to assist the student to achieve the goals and objectives or benchmarks listed in the IEP.

(i) Part B of the Individuals with Disabilities Education Act does not require that any agency, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives.

(ii) Nothing in this section limits a parent's right to ask for revisions of the student's IEP or to invoke due process procedures if the parent feels that the efforts required in this subsection are not being made.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-160, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-160, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-160, filed 10/11/95, effective 11/11/95.]

WAC 392-172-162 Physical education required. (1)

Physical education services, specially designed if necessary, must be made available to every special education student receiving FAPE.

(2) Each special education student must be afforded the opportunity to participate in the general physical education program available to students who are not disabled unless:

(a) The student is enrolled full time in a separate facility; or

(b) The student needs specially designed physical education, as prescribed in the student's individualized education program.

(3) If specially designed physical education is prescribed in a student's individualized education program, the school district or other public agency shall ensure that the public agency responsible for the education of that student provides the service directly, or makes arrangements for it to be provided through other public or private programs.

(4) The school district or other public agency shall ensure that any special education student who is enrolled in a separate facility will be provided with appropriate physical education services.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-162, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-162, filed 10/11/95, effective 11/11/95.]

WAC 392-172-163 Extended school year services. (1)

Each public agency shall ensure that extended school year services are available as necessary to provide FAPE, consistent with this section.

(2) Extended school year services must be provided only if a student's IEP team determines, on an individual basis, in accordance with this chapter that the services are necessary for the provision of FAPE to the student.

(3) In implementing the requirements of this section, a public agency may not:

(a) Limit extended school year services to particular categories of disability; or

(b) Unilaterally limit the type, amount, or duration of those services.

(4) As used in this section, the term extended school year services means special education and any necessary related services that:

(a) Are provided to a student with a disability:

(i) Beyond the normal school year of the public agency;

(ii) In accordance with the student's IEP; and

(iii) At no cost to the parents of the student; and

(b) Meet the standards of the state for provision of special education and related services.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-163, filed 12/1/99, effective 1/1/00.]

WAC 392-172-164 Parent notice of individualized education program meeting—Transition needs or services. If a purpose of the individualized education program meeting is the consideration of transition services needs or services for a student, the notice required under WAC 392-172-15700 of the individualized education program meeting must also:

(1) For a special education student beginning at age fourteen, or younger, if appropriate:

(a) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student; and

(b) Indicate that the agency will invite the student.

(2) For a special education student beginning at age sixteen, or younger, if appropriate:

(a) Indicate that a purpose of the meeting is the consideration of needed transition services for the student;

(b) Indicate that the agency will invite the student; and

(c) Identify any other agency that will be invited to send a representative.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-164, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-164, filed 10/11/95, effective 11/11/95.]

WAC 392-172-166 Transition services, student participation. (1) The school district or other public agency shall invite a special education student of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of:

(a) The student's transition services needs;

(b) The needed transition services for the student; or

(c) Both.

(2) If the student does not attend the IEP meeting, the school district or other public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3) In implementing the requirements of this section, the school district or other public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(4) If an agency invited to send a representative to a meeting does not do so, the school district or other public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

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[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-166, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-166, filed 10/11/95, effective 11/11/95.]

Service Delivery Options

WAC 392-172-170 Initial service delivery—Parental consent for initial placement—Notice required. (1) Written consent of the parent(s) or adult student shall be requested and obtained, consistent with WAC 392-172-304 before initial special education and related services are provided.

(2) Each school district or other public agency shall provide prior written notice of the proposal for initial provision of special education services to the student, consistent with WAC 392-172-302.

(3) The student's proposed special education and related services shall begin when written consent has been given by the parent(s) or the adult student (using mediation if appropriate).

(4) The school district may not override a parent's or adult student's refusal to grant consent for initial special education services.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-170, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-170, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-170, filed 10/11/95, effective 11/11/95.]

WAC 392-172-172 Least restrictive environment. Each public agency shall establish and implement procedures which meet the least restrictive environment requirements of this chapter. The provision of services to each special education student, including preschool students and students in public or private institutions or other care facilities, shall be provided:

(1) To the maximum extent appropriate in the general education environment with students who are nondisabled; and

(2) Special classes, separate schooling or other removal of students with disabilities from the general educational environment occurs only if the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(3) Nonacademic settings—Each special education student shall be provided nonacademic and extracurricular services and activities conducted by the school district or other public agency with students who are not disabled to the maximum extent appropriate to the needs of the student. Nonacademic and extracurricular services and activities may also include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district or other public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district or other public agency and assistance in making outside employment available. Each school district or public agency shall take steps to ensure that its special education students have available to them the variety of educational programs and services available to nonspecial

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education students in the area served by the school district or public agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-172, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-172, filed 10/11/95, effective 11/11/95.]

WAC 392-172-174 Continuum of alternative service delivery options. (1) Each school district or other public agency shall ensure that a continuum of alternative placements is available to meet the needs of special education students for special education and related services.

(2) The continuum required in this section must:

(a) Include the alternative placements listed in the definition of special education in WAC 392-172-045, such as instruction in general classes, special classes, special schools, home instruction, and instruction in hospitals and institutions; and

(b) Make provision for supplementary services such as resource room or itinerant instruction to be provided in conjunction with general classroom placement.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-174, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-174, filed 10/11/95, effective 11/11/95.]

WAC 392-172-176 Transition to preschool program. Each school district or other public agency shall have policies and procedures for transition to preschool programs to ensure that:

(1) Students participating in early intervention programs assisted under Part C of the IDEA, and who will participate in preschool programs assisted under Part B of the IDEA, experience a smooth and effective transition to those preschool programs in a manner consistent with the Part C requirements.

(2) Each school district will participate in transition planning conferences arranged by the designated lead agency for Part C in the state. A transition planning conference will be convened for each student who may be eligible for preschool services at least ninety days (or at the discretion of all parties up to six months) prior to the student's third birthday.

(3) By the third birthday of a student described in subsection (1) of this section, an IEP has been developed and is being implemented for the student consistent with WAC 392-172-030(1).

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-176, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-176, filed 10/11/95, effective 11/11/95.]

WAC 392-172-180 Procedures for establishing educational placement. (1) The educational placement of each special education student, including a preschool student, shall be determined at least annually at a meeting conducted pursuant to WAC 392-172-15700 and 392-172-15705.

(2) The selection of the appropriate placement for each special education student shall be based upon:

(a) The student's individualized education program;

(b) The least restrictive environment requirements of WAC 392-172-172;

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(c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals; and

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs.

(3) Unless the IEP of a special education student requires some other arrangement, the student shall be educated in the school that he or she would attend if nondisabled. The placement shall be as close as possible to the student's home, unless the parents otherwise agree.

(4) The decision on the educational placement shall be made by a group of persons, including the parents, and other persons knowledgeable about the student, the evaluation data, and the placement options.

(5) A special education student is not removed from education in age-appropriate general classrooms solely because of needed modifications in the general curriculum.

(6) Notwithstanding subsections (1) through (5) of this section, an IEP team, or other team making placement decisions for a student convicted as an adult and receiving educational services under chapter 28A.193 RCW, may modify the student's placement if there is a demonstrated bona fide security or compelling penological interest that cannot otherwise be accommodated.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-180, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-180, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-180, filed 10/11/95, effective 11/11/95.]

Evaluation of Progress—Reevaluation

WAC 392-172-182 Reevaluation—Requirement.

Each school district or other public agency shall ensure:

(1) That the IEP of each special education student is reviewed in accordance with this chapter;

(2) That a reevaluation of each student is conducted in accordance with the evaluation and reevaluation procedures contained in this chapter if conditions warrant a reevaluation, or if the student's parent or teacher requests a reevaluation, but at least once every three years; and

(3) That the results of any reevaluations are addressed by the IEP team when reviewing and as appropriate revising the IEP.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-182, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-182, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-182, filed 10/11/95, effective 11/11/95.]

WAC 392-172-185 Reevaluation—Notice and consent requirements. (1) A reasonable time prior to conducting a reevaluation, the district or other public agency shall provide prior written notice to parents or adult students consistent with WAC 392-172-302.

(2) Informed parental consent for reevaluation shall be obtained consistent with the provisions in WAC 392-172-304.

(3) Parental consent is not required before reviewing existing data as part of a reevaluation, or administering a test

or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

(4) Informed parental consent need not be obtained for reevaluation if the school district or other public agency can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parent has failed to respond.

(5) To meet the reasonable measures requirement in this section, the public agency must use procedures consistent with those in WAC 392-172-15700 (3) and (4).

(6) A reevaluation shall be conducted consistent with the timelines in WAC 392-172-104(2) and 392-172-182(2).

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-185, filed 12/1/99, effective 1/1/00.]

WAC 392-172-186 Reevaluation—Review of existing data and need for additional data. (1) As part of any reevaluation, a group that includes the individuals described in WAC 392-172-153, and other qualified professionals, as appropriate, shall review existing evaluation data on the student, including:

(a) Evaluations and information provided by the parents of the student;

(b) Current classroom-based assessment and observations; and

(c) Observations by teachers and related services providers.

(2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:

(a) Whether the student continues to be a special education student and continues to need special education and any necessary related services;

(b) The present levels of performance and educational needs of the student; and

(c) If any additions or modifications to the special education and any necessary related services are needed to enable the student to meet the measurable annual goals set out in the student's individualized education program and to participate, as appropriate, in the general curriculum.

(3) If no additional data are needed to determine whether the student continues to be a special education student, the school district or other public agency shall notify the student's parents, consistent with WAC 392-172-302, (a) of that determination and the reasons for it; and (b) of the right of the parents to request an assessment to determine, for purposes of services under this chapter, the continuing eligibility of the student.

The school district or other public agency is not required to conduct the assessment unless requested to do so by the parents.

(4) The group described in subsection (1) of this section may conduct its review without a meeting. If the school district or other public agency conducts a meeting for the purposes under this section, parents must have an opportunity to participate in the meeting consistent with WAC 392-172-105.

(5) A public agency must evaluate a special education student in accordance with this chapter before determining that the student is no longer a special education student.

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(6) The evaluation described in subsection (5) of this section is not required before the termination of a student's eligibility under this chapter due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under state law. Prior written notice is required, consistent with WAC 392-172-302.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-186, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-186, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-186, filed 10/11/95, effective 11/11/95.]

WAC 392-172-190 Reevaluation—Notice of results. Within ten school days of the completion of the reevaluation, and determination of continuing eligibility the district or other public agency superintendent or designee shall notify the parent or adult student, pursuant to WAC 392-172-302, whether or not the student continues to be eligible and in need of special education.

If the student continues to be eligible and in need of special education, the district or other public agency will address:

(1) The present levels of performance and educational needs of the student; and

(2) Whether any additions or modifications to the special education and any necessary related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.

If the evaluation report recommends changes, an individualized education program team meeting shall be convened in accordance with WAC 392-172-153 through 392-172-166.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-190, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-190, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-190, filed 10/11/95, effective 11/11/95.]

SERVICE DELIVERY STANDARDS

Staff Qualifications

WAC 392-172-200 Staff qualifications for special education funding. All employees of a school district or other public agency funded in whole or part with state or federal special education excess cost funds shall be qualified as follows:

(1) All employees shall hold such credentials, certificates, endorsements or permits as are now or hereafter required by the state board of education for the particular position of employment and shall meet such supplemental standards as may be established by the school district or other public agency of employment. Supplemental standards established by a district or other public agency may exceed, but not be less than, those established by the state board of education in accordance with chapter 180-82 WAC and this section.

Teachers who meet state board criteria pursuant to WAC 180-82-110(3) as now or hereafter amended, are eligible for a preendorsement waiver. Application for the special education preendorsement waiver shall be made to the special edu-

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cation section at the office of superintendent of public instruction.

(2) In addition to the requirement of subsection (1) of this section, all special education teachers providing, designing, supervising, monitoring or evaluating the provision of special education shall possess "substantial professional training." "Substantial professional training" as used in this section shall be evidenced by issuance of an appropriate special education endorsement on an individual teaching certificate issued by the superintendent of public instruction, professional education and certification section.

(3) Other certificated instructional personnel providing specially designed instruction or related services as defined in this chapter, shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended.

(4) Employees with only an early childhood special education endorsement may be assigned to programs that serve students birth through age eight. Preference for an early childhood special education assignment must be given first to employees having early childhood special education endorsement.

(5) Certified and/or classified staff assigned to provide instruction in Braille, the use of Braille, or the production of Braille must demonstrate competency with grade two standard literary Braille code by successful completion of a test approved by the state board of education pursuant to WAC 180-82-130.

(6) Classified staff shall present evidence of skills and knowledge necessary to meet the needs of students with disabilities, and shall be supervised consistent with WAC 392-172-045 (4)(a)(iii). Districts shall have procedures that ensure that classified staff receive training to meet state recommended core competencies pursuant to RCW 28A.415-.310.

(7) General education classroom personnel providing specially designed instruction defined in WAC 392-172-045 (4)(a)(iii) pursuant to a properly formulated individual education program may be paid from state or federal special education excess cost funds if the district has in place a cost allocation plan which meets the requirements established by the superintendent of public instruction.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-200, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-200, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-200, filed 10/11/95, effective 11/11/95.]

WAC 392-172-202 Emergency—Temporary out-of-endorsement assignment. In order to temporarily assign classroom teacher without a special education endorsement to a special education position, the district or other public agency must keep written documentation on the following:

(1) The district or other public agency must make one or more of the following factual determinations:

(a) The district or other public agency was unable to recruit a teacher with the proper endorsement who was qualified for the position;

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruit-

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ment of such a classroom teacher at the time of assignment was not reasonably practicable; and/or

(c) The reassignment of another teacher within the district or other public agency with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(2) Upon determination by a school district that one or more of these criteria can be documented, and the district determines that a teacher has the competencies to be an effective special education teacher but does not have endorsement in special education, the district can so assign the teacher to special education. The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in special education. The following requirements apply:

(a) A designated representative of the district and any such teacher shall mutually develop a written plan which provides for necessary assistance to the teacher, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment;

(b) Such teachers shall not be subject to nonrenewal or probation based on evaluations of their teaching effectiveness in the out-of-endorsement assignments;

(c) Such teaching assignments shall be approved by a formal vote of the local school board for each teacher so assigned; and

(d) The assignment of such teachers for the previous school year shall be reported annually to the state board of education by the employing school district as required by WAC 180-16-195. Included in the report shall be the number of teachers in out-of-endorsement assignments and the specific assistance being given to the teacher.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-202, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-202, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-202, filed 10/11/95, effective 11/11/95.]

Program Standards—Transportation—Facilities—Comparability

WAC 392-172-204 Transportation. (1) Methods. Transportation options for special education students shall include the following categories and shall be exercised in the following sequence:

(a) A scheduled school bus;

(b) Contracted transportation, including public transportation; and

(c) Other transportation arrangements, including that provided by parents. Board and room cost in lieu of transportation may be provided whenever the above stated transportation options are not feasible because of the need(s) of a special education student or because of the unavailability of adequate means of transportation, in accordance with rules of the superintendent of public instruction.

(2) Welfare of the student. The transportation of a special education student shall be in accordance with rules of the

superintendent of public instruction governing transportation by public school districts and other public agencies.

(3) Bus aides and drivers. Training and supervision of bus aides and drivers shall be the responsibility of the school district or other public agency superintendent or designee.

(4) Special equipment. Special equipment may include lifts, wheelchair holders, restraints, and two-way radios. All such special equipment shall comply with specifications contained in the specifications for school buses as now or hereafter established by the superintendent of public instruction.

(5) Transportation time on bus. Wherever reasonably possible, no student should be required to ride more than sixty minutes one way.

(6) Transportation for state residential school students to and from the residential school and the sites of the educational program shall be the responsibility of the department of social and health services and each state residential school pursuant to law.

(7) Transportation for a state residential school student, including students attending the state school for the deaf and the state school for the blind, to and from such school and the residency of such student shall be the responsibility of the district of residency only if the student's placement was made by such district or other public agency pursuant to an inter-agency agreement—i.e., an appropriate placement in the least restrictive environment.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-204, filed 10/11/95, effective 11/11/95.]

WAC 392-172-208 Comparable facilities. If a school district or other public agency, in compliance with this chapter, operates a facility that is identifiable as being for special education students, the district or other public agency shall assure that the facility and the services and activities provided in the facility are comparable in quality to the school district and other public agency's facilities, services, and activities for students who are not disabled.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-208, filed 10/11/95, effective 11/11/95.]

WAC 392-172-210 Program length. The length of the education program for special education students shall be at least as long as the education program for students who are not disabled in terms of both the number of school days in the general school year and the average number of hours per school day. If a special education student cannot attend school a full school day, the reason shall be documented in his or her records and addressed in the individualized education program. The program length for a student during an extended school year shall be determined by the student's individualized education program.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-210, filed 10/11/95, effective 11/11/95.]

WAC 392-172-212 Health or safety standards. The superintendent of public instruction and districts shall comply with any federal health or safety requirements that apply to facilities used under Part B of Individuals with Disabilities Education Act.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-212, filed 10/11/95, effective 11/11/95.]

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Home/Hospital Instruction

WAC 392-172-218 Home/hospital instruction. Home or hospital instruction shall be provided to both special education students and other students who are unable to attend school for an estimated period of four weeks or more because of physical disability or illness. As conditions to such services, the parent(s) of a student or the adult student shall request the services and provide a written statement to the school district or other public agency from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student who is not otherwise disabled pursuant to WAC 392-172-035 who qualifies pursuant to this subsection shall be deemed "disabled" only for the purpose of home/hospital instructional services and funding and may not otherwise qualify as a special education student for the purposes of generating state or federal special education funds. A school district or other public agency shall not pay the cost of the statement from a qualified medical practitioner for the purposes of qualifying a student for home/hospital instructional services pursuant to this section.

Home/hospital instructional services funded in accordance with the provisions of this section shall not be used for the initial or ongoing delivery of services to special education students. It shall be limited to placement as is deemed necessary to provide temporary intervention as a result of a physical disability or illness.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-218, filed 10/11/95, effective 11/11/95.]

School District Placements for Provision of FAPE

WAC 392-172-219 Applicability. The provisions of WAC 392-172-220 through 392-172-226 apply only to special education students who are, or have been placed in, or referred to a nonpublic or public school agency by a school district as a means of providing special education and related services.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-219, filed 12/1/99, effective 1/1/00.]

WAC 392-172-220 Contractual services. School districts are authorized to:

- (1) Enter into interdistrict agreements with other school districts pursuant to chapter 392-135 WAC; or
- (2) Contract with nonpublic agencies pursuant to this chapter and WAC 392-121-188 and public agencies for special education and related services for special education students if the school district establishes that it cannot provide an appropriate education for the special education student within the district.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-220, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-220, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-220, filed 10/11/95, effective 11/11/95.]

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WAC 392-172-222 Approval of nonpublic agencies.

(1) A school district shall not award a contract to a nonpublic agency to provide special education to a special education student until the state board of education approves the nonpublic agency.

(2) The school district shall notify the special education section of the office of superintendent of public instruction, in writing, of their intent to serve a student through contract with a nonpublic agency.

(3) The office of superintendent of public instruction shall provide the school district and the nonpublic agency with the procedures/application for nonpublic agency approval, which includes a description of the agency and services provided, assurances, personnel records, and fire and health inspection forms. The school district proposing the nonpublic agency for approval will conduct an on-site visit of the nonpublic agency as part of the application process.

(4) Upon review of the completed application which includes the results of the on-site visit, the superintendent of public instruction or designee may conduct an independent on-site visit, if appropriate, and shall recommend approval or disapproval of the agency to the state board of education.

(5) The superintendent of public instruction or designee shall make information regarding currently approved nonpublic agencies available to all school districts.

(6) School districts shall ensure that an approved nonpublic agency is able to provide the services required to meet the unique needs of any special education student placed under this section.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-222, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-222, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-222, filed 10/11/95, effective 11/11/95.]

WAC 392-172-224 School district responsibility when contracting for the delivery of services in a public agency or approved nonpublic agency. Any school district contracting with a public or approved nonpublic agency for special education and related services shall:

(1) Initiate and conduct a meeting with appropriate personnel and the student's parent(s) to develop the student's individualized education program. The district shall ensure that a representative of the approved nonpublic or public agency either attends the meeting or participates through other means. Meetings to review or revise the student's individualized education program after the student has been placed shall be initiated and conducted by either the approved nonpublic agency or public agency at the discretion of the school district. The district shall assure that both the parent(s) or the adult student and the public agency or approved nonpublic agency are represented in any decision concerning the student's individualized education program. The responsibility for compliance with this section lies with the school district.

(2) Develop a written contract which shall include, but not be limited to, the following elements:

(a) Names of the parties involved;

(b) The name(s) of the special education student(s) for whom the contract is drawn;

(c) Location and setting of the services to be provided;

(d) Description of services provided, program administration and supervision;

(e) Designation of responsible parties;

(f) Charges and reimbursement—Billing and payment procedures;

(g) Total contract cost;

(h) School district responsibility for compliance with due process, individualized education program, yearly review and determination of placement requirements; and

(i) Other contractual elements including those identified in WAC 392-121-188 that may be necessary to assure compliance with state and federal rules.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-224, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-224, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-224, filed 10/11/95, effective 11/11/95.]

WAC 392-172-226 Residential educational services—Methods of payment.

(1) If the delivery of services in a public or private residential educational program is necessary to provide special education and any necessary related services to a special education student, the program, including nonmedical care and room and board, must be at no cost to the parents of the student. Nothing in this chapter limits the responsibility of agencies other than educational agencies for providing or paying some or all of the costs of a free appropriate public education to special education students in the state.

(2) Nothing in this chapter relieves an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to special education students.

(3) Consistent with the IEP provisions in this chapter, the office of the superintendent of public instruction shall ensure that there is no delay in implementing a student's IEP, including any case in which the payment source for providing or paying for special education and related services to the student is being determined.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-226, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-226, filed 10/11/95, effective 11/11/95.]

Parental Placements for Provision of FAPE**WAC 392-172-230 Placement of students by parents.**

If a special education student has a free appropriate public education available and the parents choose to place the student in a private school or facility, the public agency is not required by this chapter to pay for the student's education, including special education and related services, at the private school or facility. However, the public agency shall include that student in the population whose needs are addressed consistent with WAC 392-172-232 through 392-172-248.

Disagreements between a parent and a public agency regarding the availability of a program appropriate for the student, and the question of financial responsibility, are subject to the due process procedures of this chapter. Disagreements may also be resolved through the mediation process described in this chapter.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-230, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-230, filed 10/11/95, effective 11/11/95.]

WAC 392-172-231 Reimbursement for private school placement. (1) If the parents of a special education student, who previously received special education and any necessary related services under the authority of a school district or other public agency, enroll the student in a private preschool, elementary or secondary school without the consent of or referral by a school district or other public agency, a court or a hearing officer may require a school district or other public agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that a school district or other public agency had not made a free appropriate public education available to the student in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the state standards that apply to education provided by a school district or other public agency.

(2) The cost of reimbursement may be reduced or denied if:

(a) At the most recent individualized education program meeting that the parents attended prior to removal of the student from the public school, the parents did not inform the team that they were rejecting the placement proposed by a school district or other public agency to provide a free appropriate public education to their student, including stating their concerns and their intent to enroll their student in a private school at public expense; or

(b) At least ten business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, the parents did not give written notice to a school district or other public agency of the information described in (a) of this subsection; or

(c) If, prior to the parents' removal of the student from the public school, a school district or other public agency informed the parents, through the notice requirements described in this chapter, of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation; or

(d) Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

(3) Notwithstanding the notice requirement in subsection (2)(a) and (b) of this section, the cost of reimbursement may not be reduced or denied for failure to provide the notice if:

(a) The parent is illiterate and/or cannot write in English;

(b) Compliance with the notice requirements of this section would likely result in physical or serious emotional harm to the student;

(c) The school district or other public agency prevented the parent from providing the notice; or

(d) The parent had not received notice of the requirement to notify a school district or other public agency of the information required in subsection (2)(a) and (b) of this section.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-231, filed 12/1/99, effective 1/1/00.]

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Students Unilaterally Enrolled in Private Schools by Parent

WAC 392-172-232 Definition—"Private school special education student(s)." For the purpose of WAC 392-172-23300 through 392-172-248 "private school special education student(s)" means special education students who are not full or part time enrolled in the public school or other public agency for the purpose of receiving special education and related services, who are enrolled in private schools or agencies, and whose private school enrollment is not the result of a contractual arrangement between a public school district or other public agency and the private school or agency. Consistent with this section, "resident special education students" means those students who reside within school district or other public agency boundaries, consistent with chapter 28A.225 RCW, WAC 392-121-111, and 392-137-115.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-232, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-232, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-232, filed 10/11/95, effective 11/11/95.]

WAC 392-172-23300 Child count. (1) Each school district or other public agency shall:

(a) Consult with representatives of private school students in deciding how to conduct the annual count of the number of private school special education students; and

(b) Ensure that the count is conducted on December 1 of each year.

(2) The child count must be used to determine the amount that the school district or other public agency must spend on providing special education and related services to private school special education students, described in WAC 392-172-232, in the next subsequent fiscal year.

(3) State and local educational agencies are not prohibited from providing services to private school special education students in excess of those required by this section consistent with state law or local policy.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-23300, filed 12/1/99, effective 1/1/00.]

WAC 392-172-23305 Expenditures. Each school district or public agency shall spend a proportionate amount of federal funds on providing special education and related services to private school special education students as follows:

(1) For students aged three through twenty-one, an amount that is the same proportion of the school district's or other public agency's total subgrant under Part B of the Individuals with Disabilities Education Act as the number of private school special education students aged three through twenty-one residing in its jurisdiction is to the total number of special education students in its jurisdiction aged three through twenty-one; and

(2) For students aged three through five, an amount that is the same proportion of the school district's or other public agency's total subgrant under the school district's or other agency's preschool grant under section 619 of the Individuals with Disabilities Education Act as the number of private school special education students aged three through five

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residing in its jurisdiction is to the total number of special education students in its jurisdiction aged three through five.

(3) Expenditures for child find activities described in WAC 392-172-100 may not be considered in determining whether the school district or other public agency has met the requirements of this section.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-23305, filed 12/1/99, effective 1/1/00.]

WAC 392-172-23600 Determination (of needs, numbers of students and types) of services. (1) No private school special education student, as defined in WAC 392-172-232, has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school. Decisions about the services that will be provided to private school special education students under WAC 392-172-232 through 392-172-248 must be made in accordance with this section.

(2) Each school district or other public agency shall consult, in a timely and meaningful way, with appropriate representatives of private school special education students in light of the funding under WAC 392-172-23305, the number of private school special education students, the needs of private school special education students, and their location to decide:

- (a) Which students will receive services;
- (b) What services will be provided;
- (c) How and where the services will be provided; and
- (d) How the services provided will be evaluated.

(3) Each school district or other public agency shall give appropriate representatives of private school special education students a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements in this section.

(4) The consultation required by this section shall occur before the school district or other public agency makes any decision that affects the opportunities of private school special education students to participate in services under WAC 392-172-232 through 392-172-23610.

(5) The school district or other public agency shall make the final decision with respect to the services to be provided to eligible private school students.

(6) If a special education student is enrolled in a religious or other private school and will receive special education or related services from a school district or other public agency, the district or agency shall:

- (a) Initiate and conduct meetings to develop, review, and revise a services plan for the student, in accordance with WAC 392-172-23605; and
- (b) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district or other public agency shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-23600, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-23600, filed 12/1/99, effective 1/1/00.]

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WAC 392-172-23605 Services provided. (1) The services provided to private school special education students, as defined in WAC 392-172-232, must be provided by personnel meeting the same standards as personnel providing services in the public schools.

(2) Private school special education students may receive a different amount of services than special education students in public schools.

(3) No private school special education student is entitled to any service or to any amount of a service the student would receive if enrolled in a public school.

(4) Each private school special education student who has been designated to receive services under WAC 392-172-23600 must have a services plan that describes the specific special education and related services that the school district or other public agency will provide to the student in light of the services that the district or agency has determined, through the process described in WAC 392-172-23300 and 392-172-23600, it will make available to private school special education students.

(5) The services plan must, to the extent appropriate:

- (a) Meet the requirements of WAC 392-172-160 with respect to the services provided;
- (b) Be developed and implemented consistent with WAC 392-172-156, 392-172-158, and 392-172-161.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-23605, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-23605, filed 12/1/99, effective 1/1/00.]

WAC 392-172-23610 Location of services and transportation. (1) Services provided to private school special education students, as defined in WAC 392-172-232, may be provided on-site at a student's private school, consistent with WAC 392-172-240 through 392-172-248.

(2) If necessary for the student to benefit from or participate in the services provided under this section, a unilaterally placed private school special education student must be provided transportation:

- (a) From the student's school or the student's home to a site other than the private school; and
- (b) From the service site to the private school, or to the student's home.

(3) School districts or other public agencies are not required to provide transportation from the student's home to the private school.

(4) The cost of the transportation described in subsection (2) of this section may be included in calculating whether the school district or other public agency has met the requirement of WAC 392-172-23305.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-23610, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-23610, filed 12/1/99, effective 1/1/00.]

WAC 392-172-239 Complaints. (1) The procedures under WAC 392-172-350 et seq., do not apply to complaints that a school district or other public agency has failed to meet the requirements of WAC 392-172-232 through 392-172-

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23610, including the provision of services indicated on the student's services plan.

(2) The procedures under WAC 392-172-350 et seq. do apply to complaints that a school district or other public agency has failed to meet the requirements under child find, including evaluation and reevaluation procedures under this chapter.

(3) Complaints that the state, or a school district or other public agency, has failed to meet the requirements of WAC 392-172-232 through 392-172-248 may be filed under the procedures in WAC 392-172-324 et seq.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-239, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-239, filed 12/1/99, effective 1/1/00.]

WAC 392-172-240 Personnel in private schools and agencies. (1) School district or other public agency personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the special education student if those services are not normally provided by the private school.

(2) Each school district or other public agency providing services to students enrolled in nonsectarian private schools or agencies shall maintain continuing administrative control and direction over those services.

(3) Services to private school special education students shall not include the payment of salaries of teachers or other employees of private schools or agencies, except for services performed outside regular hours of the school day and under public supervision and control.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-240, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-240, filed 10/11/95, effective 11/11/95.]

Personnel, Funds, Equipment and Part-time Enrollment Options

WAC 392-172-241 Service arrangements. (1) In addition to services to private school students who are unilaterally enrolled by their parents, special education services may be provided to private school students and home schooled students who are enrolled in public schools on a part-time basis pursuant to chapter 392-134 WAC.

(2) No services, material, or equipment of any nature shall be provided to any private school or agency subject to sectarian (i.e., religious) control or influence.

(3) No services, material, or equipment of any nature shall be provided to students on the site of any private school or agency subject to sectarian control or influence.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-241, filed 11/29/01, effective 12/30/01.]

WAC 392-172-242 Equipment, property and supplies—Construction. (1) Equipment and supplies used with special education students in a private school or agency may be placed on nonsectarian private school or agency premises for the period of time necessary for the program, but title to and administrative control over all equipment property and

supplies must be retained and exercised by the school district or other public agency. Equipment and supplies placed on private school premises will be used only for Part B purposes.

(2) Records shall be kept of equipment and supplies and an accounting made of the equipment and supplies which shall assure that the equipment is used solely for the purposes of the program. Equipment and supplies placed in private schools must be able to be removed from the private school without remodeling the private school facility.

(3) The equipment and supplies shall be removed from the private school or agency if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

(4) Funds shall not be used for repairs, minor remodeling, or to construct facilities for private schools or agencies.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-242, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-242, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-242, filed 10/11/95, effective 11/11/95.]

WAC 392-172-244 Prohibition of segregation. Programs or projects carried out in public facilities, and involving joint participation by special education students otherwise enrolled in private schools or agencies and special education students enrolled in public schools, shall not include classes that are separated on the basis of school enrollment or the religious affiliations of the students.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-244, filed 10/11/95, effective 11/11/95.]

WAC 392-172-246 Funds and property not to benefit private schools. Public funds provided and property derived from those funds shall not benefit any private school or agency.

A school district shall use funds provided under Part B of the IDEA to meet the special education and related services needs of special education students enrolled in private schools, but not for:

- (1) The needs of a private school; or
- (2) The general needs of the students enrolled in the private school.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-246, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-246, filed 10/11/95, effective 11/11/95.]

WAC 392-172-248 Existing level of instruction. Provisions for serving private school special education students shall not include the financing of the existing level of instruction in a private school or agency.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-248, filed 10/11/95, effective 11/11/95.]

Procedural Safeguards

WAC 392-172-300 General responsibility of public agencies. Each school district and public agency shall establish, implement and maintain procedural safeguards that meet the requirements of 34 CFR 300.500 through 34 CFR 300.529.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-300, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-300, filed 10/11/95, effective 11/11/95.]

Notice Requirements—General

WAC 392-172-302 When prior written notice must be given. A school district or other public agency shall give prior written notice in accordance with WAC 392-172-306 to the parent(s) of a student (or to the adult student) a reasonable time before the school district or other public agency:

(1) Proposes or refuses to initiate or change the identification, evaluation, educational placement of the student or provision of FAPE to the student.

(2) If the notice required under this section relates to an action proposed by a district or other public agency that also requires parental consent under WAC 392-172-185 and 392-172-304, notice may be given at the same time parental consent is being requested.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-302, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-302, filed 10/11/95, effective 11/11/95.]

WAC 392-172-304 Parent consent. (1) Informed parental consent must be obtained in writing (using mediation if appropriate), or denial of consent must be overridden by a due process hearing before:

(a) Conducting an initial evaluation, or reevaluation consistent with WAC 392-172-185; and

(b) Providing initial special education and any necessary related services to a special education student.

(2) Consent for initial evaluation may not be construed as consent for initial placement described in this section.

(3) Parental consent is not required before:

(a) Reviewing existing data as part of an evaluation or reevaluation; or

(b) Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

(4) A public agency may not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this chapter.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-304, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-304, filed 10/11/95, effective 11/11/95.]

WAC 392-172-306 Contents of prior written notice.

(1) The notice required by WAC 392-172-302 shall include:

(a) A statement that the parents of a special education student have protection under the procedural safeguards of this chapter. If a copy of the procedural safeguards are not included with the prior written notice, the district or other public agency shall include a statement that describes the means by which a copy of a description of the procedural safeguards can be obtained;

(b) A description of the action proposed or refused by the school district or other public agency, an explanation of why

the district or other public agency proposes or refuses to take the action, and a description of any other options the district or other public agency considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report the district or other public agency used as a basis for the proposal or refusal;

(d) A description of any other factors which are relevant to the school district and other public agency's proposal or refusal;

(e) A description of any evaluation procedures the school district or other public agency proposes to conduct; and

(f) Sources for parents to contact to obtain assistance in understanding the procedural safeguards provisions of this chapter.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or adult student or other mode of communication used by the parent or adult student, unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent or adult student is not a written language, the district or other public agency shall take steps to assure that:

(a) The notice is translated orally or by other means to the parent or adult student in his or her native language or other mode of communication;

(b) The parent or adult student understands the content of the notice; and

(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-306, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-306, filed 10/11/95, effective 11/11/95.]

WAC 392-172-307 Procedural safeguards. (1) A copy of the procedural safeguards available to the parents of a special education student shall be given to the parents, at a minimum:

(a) Upon initial referral for evaluation;

(b) Upon each notification of an individualized education program meeting;

(c) Upon reevaluation of the student;

(d) Upon receipt of a request for due process; and

(e) Upon notification of a parent that a school district or other public agency intends to take disciplinary action that constitutes a change of placement.

(2) The procedural safeguards notice must include a full explanation of all of the procedural safeguards available, listed in 34 CFR 300.504 (4)(b), including and relating to:

(a) Independent educational evaluation;

(b) Prior written notice;

(c) Parental consent;

(d) Access to educational records;

(e) Opportunity to present complaints to initiate due process hearings;

(f) The student's placement during pendency of due process proceedings;

(g) Procedures for students who are subject to placement in an interim alternative educational setting;

(h) Requirements for unilateral placement by parents of students in private schools at public expense;

(i) Mediation;

(j) Due process hearings, including requirements for disclosure of evaluation results and recommendations;

(k) Civil actions;

(l) Attorneys' fees; and

(m) State complaint procedures, including a description of how to file a complaint and the timelines under those procedures.

(3) The notice shall meet the requirements of WAC 392-172-306 (2) and (3).

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-307, filed 12/1/99, effective 1/1/00.]

Surrogate Parents

WAC 392-172-308 Surrogate parents. (1) Each school district or other public agency providing a special education program to a nonadult special education student shall assure that the rights of the nonadult student are protected when:

(a) No parent, as defined in WAC 392-172-035(5), can be identified;

(b) The school district or other public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state. A student is a ward of the state if (i) parental rights have been terminated and no guardian has been appointed or (ii) the student is found dependent under chapter 13.34 RCW. If the child is found dependent and is placed with the parent or with relatives, those persons may be considered a parent under the definition of WAC 392-172-035(5).

(2) The duty of a school district or other public agency under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Each school district or other public agency shall ensure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4)(a) A person assigned as a surrogate may not be an employee of the office of superintendent of public instruction, a school district or other public agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school district or other public agency solely because he or she is paid by the school district and/or agency to serve as a surrogate parent.

(c) A public agency may select as a surrogate, a person who is an employee of a nonpublic agency that only provides noneducational care for the student and who meets the standards in subsection (3) of this section.

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(d) A foster parent may be appointed as a surrogate parent if he or she meets the qualifications of subsection (3) of this section and is willing to make educational decisions on behalf of the student.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to the identification, evaluation, educational placement of the student and the provision of FAPE to the student.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-308, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-308, filed 10/11/95, effective 11/11/95.]

WAC 392-172-309 Transfer of parental rights at age of majority. (1) Consistent with RCW 26.28.010 and 26.28-015, when a special education student reaches the age of eighteen, unless declared incapacitated as to person under chapter 11.88 RCW, the following shall occur:

(a) A school district or other public agency shall provide any notice required under the chapter to both the student and the parents; and

(b) All other rights accorded to parents under Part B of the Individuals with Disabilities Education Act transfer to the student.

(2) All rights accorded to parents under Part B of the Individuals with Disabilities Education Act transfer to students at the age of majority who are incarcerated in an adult or juvenile, state, or local correctional institution.

(3) Whenever a school district or other public agency transfers rights under this section, they shall notify the individual and the parents of the transfer of rights.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-309, filed 12/1/99, effective 1/1/00.]

Mediation

WAC 392-172-310 Mediation—Purpose. The purpose of mediation is to offer both the parent and the school district or other public agency an optional alternative to a formal due process hearing. Mediation requires the consent and agreement of both parties. Mediation cannot be used to deny or delay access by a parent to a due process hearing under this chapter, or to deny any other rights afforded under this chapter. Mediation is used to resolve disagreements concerning the identification, evaluation, educational placement of the special education student or provision of FAPE to the special education student. Mediation may be terminated by either party at any time during the process. Mediation shall be available whenever a hearing is requested under this chapter.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-310, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-310, filed 10/11/95, effective 11/11/95.]

WAC 392-172-312 Mediation—Definition. Mediation is a dispute resolution process in which an impartial mediator assists both parties in reaching a mutually acceptable agreement on the educational needs of a special education student. The primary participants in the mediation process are the parent(s), school district or other public agency representative(s), and mediator. The process is voluntary, confidential,

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and informal. It is a collaborative process, conducted in a nonadversarial manner. Mediation services are provided by the office of superintendent of public instruction at no cost to either party, including the costs of meetings described in WAC 392-172-317. The office of superintendent of public instruction will provide mediation services for individuals whose primary language is not English unless it is clearly not feasible to do so. Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-312, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-312, filed 10/11/95, effective 11/11/95.]

WAC 392-172-313 Mediators—Qualified and impartial. (1) Mediation is conducted by qualified and impartial mediators who are trained in effective mediation techniques.

(2) The office of superintendent of public instruction shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

(3) An individual who serves as a mediator:

(a) May not be an employee of:

(i) Any school district or any state agency described under WAC 392-172-035(6); or

(ii) A state education agency that is providing direct services to a student who is the subject of the mediation process; and

(b) Shall not have a personal or professional conflict of interest.

(4) A person who otherwise qualifies as a mediator is not an employee of a school district or other public agency solely because he or she is paid by the agency to serve as a mediator.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-313, filed 12/1/99, effective 1/1/00.]

WAC 392-172-314 Request for mediation services.

(1) To access the statewide mediation system, a request for mediation services may be made in writing or verbally to administrative agents for the office of superintendent of public instruction. Written confirmation of the request shall be provided to both parties by an intake coordinator and a mediator shall be assigned to the case.

(2) If a mediator is not selected on a random (e.g., a rotation) basis from the list described in WAC 392-172-313, both parties must be involved in selecting the mediator and agree with the selection of the individual who will mediate.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-314, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-314, filed 10/11/95, effective 11/11/95.]

WAC 392-172-316 Written mediation agreement—Mediation discussions. (1) Agreements reached through the mediation process shall be documented in writing and signed by both parties. Solutions to the issue(s) raised through the mediation process shall not be in conflict with state and federal laws or regulations. The parties shall be given a copy of the written mediation agreement. A copy of the mediation

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agreement shall also be filed by the mediator with the office of superintendent of public instruction.

(2) Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties to and participants in the mediation process may be required to sign a confidentiality pledge prior to the commencement of the process.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-316, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-316, filed 10/11/95, effective 11/11/95.]

WAC 392-172-317 Meeting to encourage mediation.

(1) A school district or other public agency may establish procedures to require parents who elect not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party:

(a) Who is under contract with a parent training and information center or community parent resource center in the state established under the Individuals with Disabilities Education Act or an appropriate alternative dispute resolution entity; and

(b) Who would explain the benefits of the mediation process, and encourage the parents to use the process.

(2) A school district or other public agency may not deny or delay a parent's right to a due process hearing under this chapter if the parent fails to participate in the meeting described in this section.

(3) A school district or other public agency shall submit its procedures for implementing this section to the office of superintendent of public instruction for review and approval, including projected costs for carrying out the process.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-317, filed 12/1/99, effective 1/1/00.]

Citizen Complaint Process

WAC 392-172-324 Definition—Complaint. As used in this chapter, the term "complaint" means an allegation, by the complainant, that the state, a local school district or other public agency, an educational service district, or other subgrantee receiving federal funds (or receiving state funds to carry out a federal requirement), including private schools and facilities where students are placed on a contractual basis, has violated a federal statute or regulation or a state regulation that applies to a federal program covered under this chapter.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-324, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-324, filed 10/11/95, effective 11/11/95.]

WAC 392-172-326 Definition—Other subgrantee. As used in this chapter, the term "other subgrantee" means the government, for profit or nonprofit, or other legal entity to which the state as grantee awards a subgrant or the district or public agency grants a contract, and which is accountable to the state for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

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[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-326, filed 10/11/95, effective 11/11/95.]

WAC 392-172-328 Informing citizens about complaint procedures. The superintendent of public instruction shall inform parents and other interested individuals about the citizen complaint procedures in this chapter. Specific actions to be taken by the superintendent of public instruction include:

(1) Widely disseminating copies of the state's procedures to parents and other interested individuals, including protection and advocacy agencies, parent training and information centers, independent living centers, and other appropriate entities;

(2) Conducting in-service training sessions on the complaint process through educational service districts; and

(3) Including information about the system in statewide conferences.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-328, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-328, filed 10/11/95, effective 11/11/95.]

WAC 392-172-329 Remedies for denial of appropriate services. In resolving a complaint in which it has found a failure to provide appropriate services, the office of the superintendent of public instruction pursuant to its general supervisory authority under Part B of the IDEA, must address:

(1) How to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the student; and

(2) Appropriate future provision of services for all special education students.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-329, filed 12/1/99, effective 1/1/00.]

WAC 392-172-330 Right to register a complaint. Any individual or organization, including an organization or individual from another state, may register a signed written complaint.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-330, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-330, filed 10/11/95, effective 11/11/95.]

WAC 392-172-332 Contents of complaint. (1) A written complaint filed under this chapter shall include:

(a) A statement that an educational entity, which includes the state, a local school district or other public agency, an educational service district, or other subgrantee has violated one or more requirements of federal statutes or regulations or state regulations that apply to Part B of the IDEA;

(b) The facts on which the statement is based;

(c) The name and address of the complainant; and

(d) The name and address of the educational entity.

(2) The complaint must be signed.

(3) The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received unless a longer period is reasonable because the vio-

lation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-332, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-332, filed 10/11/95, effective 11/11/95.]

WAC 392-172-334 Procedure for filing a complaint. The procedure for filing a complaint shall be as follows:

(1) All complaints alleging a violation by a local school district or other public agency, an educational service district, the state or other subgrantee shall be filed directly with the superintendent of public instruction.

(2) The superintendent of public instruction, upon receipt of a signed, written complaint against a local school district or other public agency, an educational service district, or other subgrantee, shall refer the complaint to the educational entity for action pursuant to this chapter. A complaint against the state shall be investigated pursuant to WAC 392-172-344.

(3) Receipt of a complaint by the superintendent of public instruction activates a time limit not to exceed sixty calendar days unless an extension of the time limit is approved by the superintendent of public instruction on the basis of exceptional circumstances relative to a particular complaint.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-334, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-334, filed 10/11/95, effective 11/11/95.]

WAC 392-172-336 Designation of responsible employee. The chief officer of each local school district or other public agency, an educational service district, or other subgrantee shall designate at least one employee to monitor and coordinate the entity's compliance with this chapter. Such employee shall also be charged with the responsibility for investigating any complaint(s) communicated to the superintendent of public instruction pursuant to WAC 392-172-334.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-336, filed 10/11/95, effective 11/11/95.]

WAC 392-172-338 Investigation of and response to complaints against a school district or other public agency, educational service district, or other subgrantee. Investigation of and response to a complaint shall be as follows:

(1) Upon receipt of a properly filed complaint, the superintendent of public instruction shall send a copy of the complaint to the educational entity, for their investigation of the alleged violations.

(2) The educational entity shall investigate the complaint. The responsible official of the educational entity shall respond in writing to the superintendent of public instruction, and include documentation of the investigation, no later than twenty calendar days after the date of receipt by the entity of such complaint.

(3) The response to the superintendent of public instruction shall clearly state either:

(a) That the educational entity denies the allegations contained in the complaint and the basis for such denial; or

(b) Proposes reasonable corrective action(s) deemed necessary to correct the violation.

(4) The superintendent of public instruction shall provide the complainant a copy of the entity's response to the complaint.

(5) The superintendent of public instruction will provide the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

(6) Upon review of all relevant information including, if necessary, information obtained through an independent on-site investigation by the superintendent of public instruction, the superintendent of public instruction will make an independent determination as to whether the public agency is violating a requirement of Part B of the Individuals with Disabilities Education Act or of this chapter.

(7) The superintendent of public instruction shall issue a written decision to the complainant that addresses each allegation in the complaint including findings of fact, conclusions and the reasonable corrective measures deemed necessary to correct any violation. Corrective measures necessary to resolve a complaint shall be instituted as soon as possible but in no event later than thirty calendar days following the date of the decision, unless otherwise agreed to, or for good cause.

(8) If compliance by a local school district or other public agency, educational service district, or other subgrantee is not achieved pursuant to subsection (7) of this section, the superintendent of public instruction shall initiate fund withholding, fund recovery, or any other sanction deemed appropriate.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-338, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-338, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-338, filed 10/11/95, effective 11/11/95.]

WAC 392-172-342 Complaints against the superintendent of public instruction—Designation of responsible employee(s). A complaint alleging a violation by the superintendent of public instruction shall be filed directly with the superintendent of public instruction in the form specified in WAC 392-172-332.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-342, filed 10/11/95, effective 11/11/95.]

WAC 392-172-344 Complaints against the superintendent of public instruction—Investigation of and response to complaints. (1) Upon receipt of a complaint against the superintendent of public instruction, the superintendent will designate an investigator within ten days. The investigator shall commence investigation of the complaint.

(2) Investigation by the superintendent of public instruction may include on-site investigations as appropriate.

(3) Upon completion of the investigation, the investigator shall provide the superintendent of public instruction with a written report on the results of the investigation and shall respond in writing to the complainant as soon as possible but

in no event later than sixty calendar days after the date of receipt of such complaint by the superintendent of public instruction.

(4) The response shall clearly state either:

(a) That the complaint is without merit, the allegations are denied, and the basis for such denial; or

(b) The reasonable corrective measures deemed necessary to correct any violation. Any such corrective measures deemed necessary shall be instituted as soon as possible but in no event later than thirty calendar days following the date of the response to the complainant.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-344, filed 11/29/01, effective 12/30/01. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-344, filed 10/11/95, effective 11/11/95.]

WAC 392-172-348 Complaints and due process hearings. (1) If a written complaint is received that is also the subject of a due process hearing under this chapter or contains multiple issues, of which one or more are part of that hearing, the office of the superintendent of public instruction must set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in this section.

(2) If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:

(a) The hearing decision is binding; and

(b) The office of the superintendent of public instruction must inform the complainant to that effect.

(3) A complaint alleging a public agency's failure to implement a due process decision must be resolved by the office of the superintendent of public instruction.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-348, filed 12/1/99, effective 1/1/00.]

Hearings—General

WAC 392-172-350 Right to initiate—Purposes. (1) Hearings conducted in accordance with WAC 392-172-350 through 392-172-360 may be initiated in the following cases for the purposes stated:

(a) The parent(s) of a student (or an adult student) or a school district or other public agency may initiate a hearing to challenge or to show the appropriateness of a proposal or refusal by the school district or other public agency to initiate or change:

(i) The identification of the student;

(ii) The evaluation of the student;

(iii) The educational placement of the student; or

(iv) The provision of FAPE to the student pursuant to this chapter;

(b) A school district or other public agency may initiate a hearing to show that its evaluation of a student is appropriate if the student's parent(s) or adult student disagrees with the evaluation results and requests an independent educational evaluation, pursuant to WAC 392-172-150.

(2) A request by a student's parent(s) or adult student for a hearing pursuant to this section shall:

(a) Be in writing, specify the district or other public agency and the school the student attends, explain the concerns of the parent(s) or adult student in general or specific terms, and provide other information regarding the request for hearing described in WAC 392-172-351; and

(b) Be mailed or provided directly to the Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, P.O. Box 47200, Olympia, Washington 98504. A copy of the request for hearing should also be given to the district or other public agency, consistent with WAC 392-172-351.

(3) A request by a school district or other public agency for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, P.O. Box 47200, Olympia, Washington 98504. A copy of such request, including attachments shall be mailed to the student's parent(s) or adult student;

(c) Include a copy of the notice to parent(s) or adult student as required by WAC 392-172-302. If the hearing request by the district or other public agency is in response to a request for an independent educational evaluation pursuant to WAC 392-172-150, the school district or other public agency shall attach documentation of the parent's request.

(4) A notice of a hearing requested by a student's parent(s) or adult student or initiated by a school district or other public agency pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

(a) The date, time, and place of the hearing;

(b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice;

(c) The rights, procedures, and other matters set forth in WAC 392-172-352 through 392-172-364; and

(d) The right of the parent(s) or adult student to seek an independent evaluation at public expense pursuant to WAC 392-172-150.

(5) The forty-five day time line for completing the hearing process shall begin on the day the superintendent receives the written request for a due process hearing.

(6) When a hearing is initiated under this section, the office of superintendent of public instruction shall inform the parents of the availability of mediation described in WAC 392-172-310 et seq.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-350, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-350, filed 10/11/95, effective 11/11/95.]

WAC 392-172-351 Request for hearing, notice by parent. (1) The school district or other public agency must have procedures that require the parent of a special education student or the attorney representing the student to provide notice (which must remain confidential) to the school district or other public agency in a request for a hearing to the office of superintendent of public instruction. The notice for a request for hearing must include:

(a) The name of the student;

(b) The address of the residence of the student;

(c) The name of the school the student is attending;

(d) A description of the nature of the problem of the student relating to the proposed initiation or change, including facts relating to the problem; and

(e) A proposed resolution of the problem to the extent known and available to the parents at the time.

(2) The office of superintendent of public instruction shall develop a model hearing request form to assist parents in filing a request for a due process hearing that includes the information required above.

(3) A school district or other public agency may not deny or delay a parent's right to a due process hearing for failure to provide the notice required in this section. However, failure to provide the notice required in subsection (1) of this section may result in a reduction of attorneys' fees under WAC 392-172-362 (3)(e)(iv).

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-351, filed 12/1/99, effective 1/1/00.]

WAC 392-172-352 Hearing officers—Selection and expenses of—Parent assistance. (1) If a hearing is initiated pursuant to WAC 392-172-350:

(a) The hearing shall be conducted by and at the expense of the superintendent of public instruction.

(b) The superintendent of public instruction shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the superintendent of public instruction. A court reporter's stenographic record need not be transcribed for any purpose except as provided or required in WAC 392-172-354 (1)(g) and (h).

(c) The superintendent of public instruction shall inform the parent(s) or adult student of any free or low-cost legal and other relevant services available in the area if:

(i) The parent or adult student requests the information; or

(ii) The school district or other public agency or the parent or adult student initiates a hearing.

(d) The hearing shall be conducted by a qualified person selected and appointed by the chief administrative law judge in the office of administrative hearings pursuant to chapter 10-08 WAC and shall be a person who:

(i) Is not an employee of a public agency which is involved in the education or care of the student; and

(ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing.

(2) A person who otherwise qualifies to conduct a hearing under this section is not an employee of the public agency solely because he or she is paid by the agency to serve as a hearing officer.

(3) The hearing shall be conducted in accordance with the provisions of WAC 392-101-005 unless modified by this chapter.

(4) Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-352, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-352, filed 10/11/95, effective 11/11/95.]

WAC 392-172-354 Hearing rights. (1) Any party to a hearing initiated pursuant to WAC 392-172-350 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of special education students;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing, or two business days if the hearing is expedited pursuant to WAC 392-172-38415 (1)(b);

(e) At least five business days (or two business days if the hearing is expedited pursuant to WAC 392-172-38415 (1)(b)) prior to a hearing conducted pursuant to this section, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing;

(f) A hearing officer may bar any party that fails to comply with (e) of this subsection from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party;

(g) Obtain a written, or at the option of the parents, electronic verbatim record of the hearing at no cost to any party to a hearing; and

(h) Obtain written, or at the option of the parents, electronic findings of fact, decisions, conclusions of law and judgments. The state, after deleting any personally identifiable information, shall:

(i) Transmit those findings and decisions to the state advisory panel established under this chapter; and

(ii) Make those findings and decisions available to the public.

(2) Parents who are a party to a hearing have the right to have the student who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

(4) The record of the hearing and the findings of fact and decisions described in this section shall be provided at no cost to parents.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-354, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-354, filed 10/11/95, effective 11/11/95.]

WAC 392-172-356 Time line for hearing officer's decision—Time and place of hearing. (1) Not later than forty-five days after the date of receipt of a request for a hearing pursuant to WAC 392-172-350:

(a) A final decision shall be reached in the hearing; and

(b) A copy of the decision shall be mailed to each of the parties.

(2) A hearing officer may grant specific extensions of time beyond the period set forth in subsection (1) of this section at the request of the parent(s) or school district or other public agency.

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(3) Each hearing shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-356, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-356, filed 10/11/95, effective 11/11/95.]

WAC 392-172-360 Final decision—Appeal to court of law. (1) A decision made in a hearing initiated pursuant to WAC 392-172-350 is final, unless modified or overturned by a court of law. Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal under this chapter has the right to bring a civil action under section 615 (e)(2) of the Individuals with Disabilities Education Act. A civil action may be filed in either state or federal court.

(2) In any action brought under this section, the court:

(a) Shall receive the records of the administrative proceedings.

(b) Shall hear additional evidence at the request of a party.

(c) Shall grant the relief that the court determines to be appropriate basing its decision on the preponderance of the evidence.

(3) The district courts of the United States have jurisdiction of actions brought under section 615 of the Individuals with Disabilities Education Act without regard to the amount in controversy.

(4) Nothing in this part restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of special education students, except that before the filing of a civil action under these laws seeking relief that is also available under section 615 of the Individuals with Disability Education Act, the procedures for a due process hearing in this chapter must be exhausted to the same extent as would be required had the action been brought under section 615 of the Individuals with Disabilities Education Act.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-360, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-360, filed 10/11/95, effective 11/11/95.]

WAC 392-172-362 Attorneys' fees. (1) Each public agency shall inform parents that in any action or proceeding under section 615 of the Individuals with Disabilities Education Act, courts in their discretion, may award parents reasonable attorneys' fees as part of the costs to the parents of a special education student who is the prevailing party.

(2) Funds under Part B of the Individuals with Disabilities Education Act may not be used to pay attorneys' fees or costs of a party related to an action or proceeding under section 615 of the IDEA and the procedural safeguards in this chapter. This does not preclude a public agency from using funds under Part B of the IDEA for conducting an action or proceeding under section 615 of the IDEA.

(3) A court awards reasonable attorneys' fees under section 615 (i)(3) of the IDEA consistent with the following:

[Title 392 WAC—p. 293]

(a) Fees awarded under section 615 (i)(3) of the IDEA must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this section.

(b) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under section 615 of the IDEA for services performed subsequent to the time of a written offer of settlement to a parent if:

(i) The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten days before the proceeding begins;

(ii) The offer is not accepted within ten days; and

(iii) The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

(c) Attorneys' fees may not be awarded relating to any meeting of the IEP team unless the meeting is convened as a result of an administrative proceeding or judicial action.

(d) Notwithstanding (b) of this subsection, an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

(e) Except as provided in (f) of this subsection, the court reduces, accordingly, the amount of the attorneys' fees awarded under section 615 of the IDEA, if the court finds that:

(i) The parent, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

(ii) The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;

(iii) The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or

(iv) The attorney representing the parent did not provide to the school district the appropriate information in the due process complaint in accordance with WAC 392-172-351.

(f) The provisions of (e) of this subsection do not apply in any action or proceeding if the court finds that the state or local agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of the IDEA.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-362, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-362, filed 10/11/95, effective 11/11/95.]

WAC 392-172-364 Student's status during hearing and judicial review processes. (1) Except as provided in WAC 392-172-370 through 392-172-385, during the pendency of any administrative or judicial proceeding regarding a hearing request initiated pursuant to WAC 392-172-350 unless the school district or other public agency and the parent(s) of the student or the adult student agree otherwise, the student involved in the hearing request shall remain in the educational program he or she was in at the time the hearing request was made.

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(2) If the complaint involves an application for initial admission to public school, the student, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.

(3) If the decision of a hearing officer in a due process hearing agrees with student's parents that a change of placement is appropriate, that placement must be treated as an agreement between the state, school district or other public agency and the parents for purposes of this section.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-364, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-364, filed 10/11/95, effective 11/11/95.]

Disciplinary Exclusion

WAC 392-172-370 Disciplinary exclusion—Purpose.

The purpose of WAC 392-172-370 through 392-172-385 is to ensure that special education students are not being improperly excluded from school for disciplinary reasons. Each school district or other public agency, educational service district and public agency serving special education students shall take steps to ensure that each employee, contractor, and other agent of the district or other public agency responsible for education or care of a special education student is knowledgeable of WAC 392-172-370 through 392-172-385. No school district or other public agency and no educational service district shall authorize, permit, or condone the use of disciplinary procedures which violate chapter 180-40 WAC and WAC 392-172-370 through 392-172-385 by any employee, contractor, or other agent of the district or other public agency responsible for the education or care of a special education student.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-370, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-370, filed 10/11/95, effective 11/11/95.]

WAC 392-172-371 Disciplinary exclusion—Definitions.

The following definitions apply to this section only:

(1) "Controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) "Illegal drug" means a controlled substance, but does not include, a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

(3) "Dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

(4) "Substantial evidence" means beyond a preponderance of the evidence.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-371, filed 12/1/99, effective 1/1/00.]

(2007 Ed.)

WAC 392-172-373 Change of placement for disciplinary removals. For purposes of removals of a special education student from the student's current educational placement under WAC 392-172-370 through 392-172-38410, a change of placement occurs if:

(1) The removal is for more than ten consecutive school days; or

(2) The student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-373, filed 12/1/99, effective 1/1/00.]

WAC 392-172-37500 Removals—Ten school days or less. To the extent removal would be applied to students without disabilities, school personnel may order the removal of a special education student from the student's current placement for not more than ten consecutive school days for any violation of school rules, and additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement under WAC 392-172-373(2).

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-37500, filed 12/1/99, effective 1/1/00.]

WAC 392-172-37505 Required services. (1) A public agency need not provide services during periods of removal under WAC 392-172-37500 to a special education student who has been removed from his or her current placement for ten school days or less in that school year, if services are not provided to a student without disabilities who has been similarly removed.

(2) In the case of a special education student who has been removed from his or her current placement for more than ten school days in that school year, the public agency, for the remainder of the removals, shall provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

(3) When there is no change of placement, school personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-37505, filed 12/1/99, effective 1/1/00.]

WAC 392-172-37510 Change of placement—Removals for weapons or drugs. School personnel may order a change in placement of a special education student to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five days, if:

(1) The student possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of a state or local education agency; or

(2) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-37510, filed 12/1/99, effective 1/1/00.]

WAC 392-172-377 Functional behavioral assessment and intervention plan. Within ten business days after first removing a student for more than ten school days in a school year, including weapons violations, drugs violations, or behavior that is substantially likely to result in injury to the student or to others, or commencing any removal that constitutes a change of placement under WAC 392-172-373 the following actions shall be taken by the school district or other public agency:

(1) If the district or other public agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, the district or other public agency shall convene an individualized education program meeting to develop an assessment plan.

(2) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation and modify it, as necessary, to address the behavior.

(3) As soon as practicable after developing the plan described in subsection (1) of this section, and completing the assessments required by the plan, the district or other public agency shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(4) If subsequently, a special education student who has a behavioral intervention plan and who has been removed from the student's current educational placement for more than ten school days in a school year is subjected to a removal that does not constitute a change of placement under WAC 392-172-373, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-377, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-377, filed 12/1/99, effective 1/1/00.]

WAC 392-172-379 Dangerous behavior—Authority of hearing officer. A hearing officer, described in WAC 392-172-352, may order a change in the placement of a special education student to an appropriate interim alternative educational setting for not more than forty-five days if the hearing officer, in an expedited due process hearing:

(1) Determines that the district or other public agency has demonstrated by substantial evidence that maintaining

the current placement of the student is substantially likely to result in injury to the student or to others;

(2) Considers the appropriateness of the student's current placement;

(3) Considers whether the district or other public agency has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

(4) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of WAC 392-172-381 (1) and (2).

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-379, filed 12/1/99, effective 1/1/00.]

WAC 392-172-381 Determination of interim alternative educational setting. Any interim alternative educational setting in which a student is placed under WAC 392-172-37510 and 392-172-379 shall:

(1) Be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program; and

(2) Include services and modifications designed to address the behavior described in WAC 392-172-37510 or 392-172-379, that are designed to prevent the behavior from recurring.

The individualized education program team shall determine an interim alternative educational setting under WAC 392-172-37510.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-381, filed 12/1/99, effective 1/1/00.]

WAC 392-172-38300 Manifestation determination review requirements. If an action is contemplated by a school district, other public agency personnel, or a hearing officer that involves removing a student for weapons violations, drugs violations, behavior that is substantially likely to result in injury to the student or to others, or other behavior that violates any rule or code of conduct that applies to all students which results in a change of placement under WAC 392-172-373, the following actions shall be taken by the school district or other public agency:

(1) Not later than the date on which the decision to remove the student is made, the parents must be notified of that decision and provided the procedural safeguards notice described under this chapter; and

(2) Immediately, if possible, but in no case later than ten school days after the date on which the decision to remove the student is made, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-38300, filed 12/1/99, effective 1/1/00.]

[Title 392 WAC—p. 296]

WAC 392-172-38305 Procedures for conducting a manifestation determination. The individualized education program team and other qualified personnel in a meeting shall conduct a manifestation determination review. In carrying out the review, the team may determine that the behavior of the student was not a manifestation of the student's disability only if the team:

(1) First considers, in terms of the behavior subject to disciplinary action, all relevant information including:

(a) Evaluation and diagnostic results, including the results of other relevant information supplied by the parents of the student;

(b) Observations of the student; and

(c) The student's individualized education program and placement.

(2) Then determines that:

(a) In relationship to the behavior subject to disciplinary action, the student's individualized education program and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's individualized education program and placement;

(b) The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

(c) The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

(3) If the team determines that any of the above standards in this section were not met, the behavior must be considered a manifestation of the student's disability.

(4) The manifestation determination review described in this section may be conducted at the same individualized education program meeting that is convened to address a functional behavioral assessment and behavioral intervention plan.

(5) If the review identifies deficiencies in the student's IEP or placement or in their implementation, the district or other public agency must take immediate steps to remedy those deficiencies.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-38305, filed 12/1/99, effective 1/1/00.]

WAC 392-172-38310 Determination that behavior was not manifestation of disability. (1) If the results of the manifestation determination review indicate that the behavior of the special education student was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education shall continue to be made available to those students consistent with this chapter.

(2) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.

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(3) If the school district or other public agency initiates disciplinary procedures applicable to all students, the district or other public agency shall ensure that the special education and disciplinary records of the special education student are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

(4) If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the student's current educational placement as described in WAC 392-172-364 or interim alternative educational setting consistent with WAC 392-172-38405, whichever applies.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-38310, filed 12/1/99, effective 1/1/00.]

WAC 392-172-38400 Parent appeal. (1) If the student's parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement for disciplinary purposes, the parent may request a hearing.

(2) Pursuant to WAC 392-172-350 the office of superintendent of public instruction shall arrange for an expedited hearing in any case described in WAC 392-172-38415 if requested by the parent.

(3) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the district or other public agency has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of WAC 392-172-38305.

(4) In reviewing a decision to place the student in an interim alternative educational setting, the hearing officer shall apply the standards, under WAC 392-172-379.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-38400, filed 12/1/99, effective 1/1/00.]

WAC 392-172-38405 Placement during appeals. (1) If a parent requests a hearing regarding a disciplinary action related to removals for weapons or drugs or dangerous behavior to challenge the interim alternative educational setting or the manifestation determination, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five day time period provided for, whichever occurs first, unless the parent and the school district or other public agency agree otherwise.

(2) If a student is placed in an interim alternative educational setting pursuant to this section and school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the student's placement prior to the interim alternative educational setting), except as provided for below.

(3) If school or other agency personnel maintain that it is dangerous for the student to be in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings, the district or other public agency may request an expedited due process hearing.

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(4) In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards under WAC 392-172-379.

(5) A placement ordered pursuant to this section may not be longer than forty-five days.

(6) The procedure in this section may be repeated as necessary.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-38405, filed 12/1/99, effective 1/1/00.]

WAC 392-172-38410 Protections for students not yet eligible for special education and related services. (1) A student who has not been determined to be eligible for special education and any necessary related services under this chapter and who has engaged in behavior that violated any rule or code of conduct of the school district or other public agency, including any behavior described in this section, may assert any of the protections provided for in this section if the school district or other public agency had knowledge that the student was a special education student before the behavior that precipitated the disciplinary action occurred. A school district or other public agency must be deemed to have knowledge that a student is a special education student if:

(a) The parent of the student has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational or other public agency that the student is in need of special education and related services;

(b) The behavior or performance of the student demonstrates the need for these services in accordance with this chapter;

(c) The parent of the student has requested an evaluation of the student pursuant to this chapter; or

(d) The teacher of the student, or other personnel of the district or other public agency, has expressed concern about the behavior or performance of the student to the director of special education of the district or other public agency or to other personnel of the district or other public agency in accordance with their established child find or special education referral system.

(2) A district or other public agency would not be deemed to have knowledge under subsection (1) of this section, if as a result of receiving the information, the district or other public agency:

(a) Either:

(i) Conducted an evaluation consistent with this chapter and determined that the student was not a special education student; or

(ii) Determined that an evaluation was not necessary; and

(b) Provided notice to the student's parents of its determination consistent with this chapter.

(3) If the district or other public agency does not have knowledge that a student is a special education student prior to taking disciplinary measures against the student (in accordance with subsections (1) and (2) of this section), the student may be subjected to the same disciplinary measures as measures applied to students without disabilities who engaged in comparable behaviors consistent with this section:

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(a) If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures under this section, the evaluation must be conducted in an expedited manner.

(b) Until the evaluation is completed, the student remains in the educational placement determined by school or other public agency which can include suspension or expulsion without educational services.

(c) If the student is determined to be a special education student taking into consideration information from the evaluation conducted by the district or other public agency and information provided by the parents, the district or other public agency shall provide special education and any necessary related services in accordance with the provisions of this chapter, including the discipline procedures and free appropriate public education requirements.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-38410, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-38410, filed 12/1/99, effective 1/1/00.]

WAC 392-172-38415 Expedited due process hearings. (1) Expedited due process hearings under this section shall:

(a) Result in a written decision being mailed to the parties within forty-five days of the office of superintendent of public instruction's receipt of the request for the hearing without exceptions or extensions. The timeline established in this subsection shall be the same for hearings requested by parents, school districts or other public agencies;

(b) Meet the requirements of WAC 392-172-354 except that the time periods identified for the disclosure of records and evaluations for purposes of expedited due process hearings are not less than two business days; and

(c) Be conducted by a due process hearing officer who satisfies the impartiality requirements of WAC 392-172-352.

(2) The decisions on expedited due process hearings are appealable under the state's normal due process appeal procedures.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-38415, filed 12/1/99, effective 1/1/00.]

WAC 392-172-385 Referral to and action by law enforcement and judicial authorities. (1) Nothing in Part B of the Individuals with Disabilities Education Act, or this chapter prohibits a school district or other public agency from reporting a crime committed by a special education student to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a special education student.

(2) A school district or other public agency reporting a crime committed by a special education student shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(3) A school district or other public agency reporting a crime under this section may transmit copies of the student's special education and disciplinary records only to the extent

that the transmission is permitted by the Family Educational Rights and Privacy Act.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-385, filed 12/1/99, effective 1/1/00.]

AVERSIVE INTERVENTIONS—SAFEGUARDS

WAC 392-172-388 Aversive interventions. The purpose of WAC 392-172-388 through 392-172-398 [392-172-396] is to assure that special education students are safeguarded against the use and misuse of various forms of aversive interventions. Each school district or other public agency and educational service district shall take steps to assure that each employee, volunteer, contractor, and other agent of the district or other public agency responsible for the education, care, or custody of a special education student is aware of WAC 392-172-388 through 392-172-398 [392-172-396]. No school district or other public agency and no educational service district shall authorize, permit, or condone the use of aversive interventions which violates WAC 392-172-390 through 392-172-396 by any employee, volunteer, contractor or other agent of the district or other public agency responsible for the education, care, or custody of a special education student. Aversive interventions, to the extent permitted, shall only be used as a last resort. Positive interventions shall be attempted by the district or other public agency and educational service district and described in the individualized education program consistent with WAC 392-172-161 prior to the use of aversive interventions.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-388, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-388, filed 10/11/95, effective 11/11/95.]

WAC 392-172-390 Aversive interventions—Definition. For the purpose of WAC 392-172-388 through 392-172-398, the term "aversive interventions" means the systematic use of stimuli or other treatment which a student is known to find painful or unpleasant for the purpose of discouraging undesirable behavior on the part of the student. The term does not include the use of reasonable force, restraint, or other treatment to control unpredicted spontaneous behavior which poses one of the following dangers:

(1) A clear and present danger of serious harm to the student or another person.

(2) A clear and present danger of serious harm to property.

(3) A clear and present danger of seriously disrupting the educational process.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-390, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-390, filed 10/11/95, effective 11/11/95.]

WAC 392-172-392 Aversive interventions—Prohibited forms. There are certain forms of aversive interventions that are manifestly inappropriate by reason of their offensive nature or their potential negative physical consequences, or both. The purpose of this section is to uniformly prohibit their use respecting special education students as follows:

(1) Electric current. No student may be stimulated by contact with electric current.

(2) Food services. No student who is willing to consume subsistence food or liquid when the food or liquid is customarily served may be denied or subjected to an unreasonable delay in the provision of the food or liquid.

(3) Force and restraint in general. No force or restraint which is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law may be used. See RCW 9A.16.100 which cites the following uses of force or restraint as uses which are presumed to be unreasonable and therefore unlawful:

- (a) Throwing, kicking, burning, or cutting a student.
- (b) Striking a student with a closed fist.
- (c) Shaking a student under age three.
- (d) Interfering with a student's breathing.
- (e) Threatening a student with a deadly weapon.

(f) Doing any other act that is likely to cause bodily harm to a student greater than transient pain or minor temporary marks.

(4) The statutory listing of worst case uses of force or restraint described in subsection (3) of this section may not be read as implying that all unlisted uses (e.g., shaking a four year old) are permissible. Whether or not an unlisted use of force or restraint is permissible depends upon such considerations as the balance of these rules, and whether the use is reasonable under the circumstances.

(5) Hygiene care. No student may be denied or subjected to an unreasonable delay in the provision of common hygiene care.

(6) Isolation. No student may be excluded from his or her general instructional or service area and isolated within a room or any other form of enclosure, except under the conditions set forth in WAC 392-172-394.

(7) Medication. No student may be denied or subjected to an unreasonable delay in the provision of medication.

(8) Noise. No student may be forced to listen to noise or sound that the student finds painful.

(9) Noxious sprays. No student may be forced to smell or be sprayed in the face with a noxious or potentially harmful substance.

(10) Physical restraints. No student may be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object, except under the conditions set forth in WAC 392-172-394.

(11) Taste treatment. No student may be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration.

(12) Water treatment. No student's head may be partially or wholly submerged in water or any other liquid.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-392, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-392, filed 10/11/95, effective 11/11/95.]

WAC 392-172-394 Aversive interventions—Other forms—Conditions. Use of various forms of aversive interventions which are not prohibited by WAC 392-172-392

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warrant close scrutiny. Accordingly, the use of aversive interventions involving bodily contact, isolation, or physical restraint not prohibited by WAC 392-172-392 is conditioned upon compliance with certain procedural and substantive safeguards, as follows:

(1) Bodily contact. The use of any form of aversive interventions not prohibited by WAC 392-172-392 which involves contacting the body of a special education student shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.

(2) Isolation. The use of aversive interventions which involves excluding a special education student from his or her general instructional area and isolation of the student within a room or any other form of enclosure is subject to each of the following conditions:

(a) The isolation, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.

(b) The enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.

(c) The enclosure shall permit continuous visual monitoring of the student from outside the enclosure.

(d) An adult responsible for supervising the student shall remain in visual or auditory range of the student.

(e) Either the student shall be capable of releasing himself or herself from the enclosure or the student shall continuously remain within view of an adult responsible for supervising the student.

(3) Physical restraint. The use of aversive interventions which involves physically restraining or immobilizing a special education student by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object is subject to each of the following conditions:

(a) The restraint shall only be used when and to the extent it is reasonably necessary to protect the student, other persons, or property from serious harm.

(b) The restraint, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.

(c) The restraint shall not interfere with the student's breathing.

(d) An adult responsible for supervising the student shall remain in visual or auditory range of the student.

(e) Either the student shall be capable of releasing himself or herself from the restraint or the student shall continuously remain within view of an adult responsible for supervising the student.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-394, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-394, filed 10/11/95, effective 11/11/95.]

WAC 392-172-396 Aversive interventions—Individualized education program requirements. If the need for use of aversive interventions are determined appropriate by the IEP team, the individualized education program shall:

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(1) Be consistent with the recommendations of the IEP team which includes a school psychologist and/or other certificated employee who understands the appropriate use of the aversive interventions and who concurs with the recommended use of the aversive interventions, and a person who works directly with the student.

(2) Specify the aversive interventions that may be used.

(3) State the reason the aversive interventions is judged to be appropriate and the behavioral objective sought to be achieved by its use, and shall describe the positive interventions attempted and the reasons they failed, if known.

(4) Describe the circumstances under which the aversive interventions may be used.

(5) Describe or specify the maximum duration of any isolation or restraint.

(6) Specify any special precautions that must be taken in connection with the use of the aversive interventions technique.

(7) Specify the person or persons permitted to use the aversive interventions and the current qualifications and required training of the personnel permitted to use the aversive interventions.

(8) Establish a means of evaluating the effects of the use of the aversive interventions and a schedule for periodically conducting the evaluation.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-396, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-396, filed 10/11/95, effective 11/11/95.]

Student Records

WAC 392-172-400 Definition of "educational records" as used in records rules. (1) For the purpose of WAC 392-172-400 through 392-172-426 and consistent with the Family Educational Rights and Privacy Act, the term "educational records" shall mean those records that:

(a) Are directly related to a student; and

(b) Are maintained by a school district or other public agency or by a party acting for the school district or other public agency.

(2) The term "educational records" does not include:

(a) Records of instructional, supervisory, administrative personnel, and educational personnel ancillary to those persons if those records:

(i) Are in the sole possession of the maker of the record; and

(ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position;

(b) Records of a law enforcement unit of a school district or other public agency which are:

(i) Maintained separately from the educational records described in subsection (1) of this section;

(ii) Maintained solely for law enforcement purposes; and

(iii) Not disclosed to individuals other than law enforcement officials of the same district or other public agency. This exception from the definition of educational records

does not apply if educational records are disclosed to personnel of the school district and other public agency's law enforcement unit;

(c) Records relating to an individual who is employed by a school district or other public agency, that:

(i) Are made and maintained in the normal course of business;

(ii) Relate exclusively to the individual in that individual's capacity as an employee; and

(iii) Are not available for use for any other purpose. This exception from the definition of "educational records" does not apply to records relating to an individual in attendance at the school district or other public agency who is employed as a result of his or her status as a student;

(d) Records relating to an adult student which are:

(i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in their professional or paraprofessional capacity;

(ii) Created, maintained, or used only in connection with the treatment of the student; and

(iii) Disclosed only to individuals providing the treatment. However, the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the school district or other public agency;

(e) Records that only contain information about a student after he or she is no longer a student at that school district or other public agency.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-400, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-400, filed 10/11/95, effective 11/11/95.]

WAC 392-172-402 Definitions—"Destruction," "participating agency" and "personally identifiable." For the purpose of WAC 392-172-400 through 392-172-426 governing records of special education students:

(1) "Destruction" shall mean physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

(2) "Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained in implementing this chapter, and includes school districts and other public agencies.

(3) "Personally identifiable" means information that includes:

(a) The name of the student, the student's parent, or other family member;

(b) The address of the student;

(c) A personal identifier, such as the student's social security number or student number; or

(d) A list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

(4) "Consent" and "Native language" are defined at WAC 392-172-040.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-402, filed 12/1/99, effective 1/1/00. Stat-

utory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-402, filed 10/11/95, effective 11/11/95.]

WAC 392-172-404 Notice to parents. (1) Parents of special education students and adult students have rights regarding the protection of the confidentiality of any personally identifiable information collected, used, or maintained under WAC 392-172-400 through 392-172-426, the Family Educational Rights and Privacy Act of 1974, as amended, chapter 28A.155 RCW, and other Washington state law.

(2) State forms, procedural safeguards and parent handbooks regarding special education are available in Spanish, Vietnamese, Russian, Cambodian, and Korean, and alternate formats (braille and tape) on request.

(3) Personally identifiable information about students for use by the state may be contained in citizen's complaints, safety net applications, due process hearings and mediation agreements. The state may also receive personally identifiable information as a result of grant evaluation performance. This information is removed before forwarding information to other agencies or individuals requesting the information, unless the parent or adult student consents to release the information or the information is allowed to be released without parent consent under the regulations implementing the Family Educational Rights and Privacy Act, 34 CFR Part 99.

(4) Before undertaking any major identification, location, or evaluation activity, the state, at a minimum, publishes notice in newspapers with circulation adequate to notify parents throughout the state of the activity and posts information on its web site.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-404, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-404, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-404, filed 10/11/95, effective 11/11/95.]

WAC 392-172-406 Opportunity to examine records. The parents of a special education student, in accordance with the confidentiality procedures in this chapter, shall be afforded an opportunity to inspect and review all educational records which shall include, but not be limited to:

(1) The identification, evaluation, and the delivery of educational services to the student; and

(2) The provision of free, appropriate public education to the student.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-406, filed 10/11/95, effective 11/11/95.]

WAC 392-172-408 Access rights. (1) Each school district or other public agency shall permit parents of special education students (or adult students) to inspect and review, during school business hours, any educational records relating to their student or the adult student which are collected, maintained, or used by the district or other public agency under this chapter. The district or other public agency shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, educational placement of the student or provision of FAPE to the student, including disciplinary proceedings. The school district or

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other public agency shall respond, in no case, more than forty-five calendar days after the request has been made.

(2) The right to inspect and review educational records under this section includes:

(a) The right to a response from the educational agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district or other public agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent or adult student inspect and review records.

(3) A school district or other public agency may presume that a parent has authority to inspect and review records relating to his or her student unless the district or other public agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-408, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-408, filed 10/11/95, effective 11/11/95.]

WAC 392-172-410 Record of access. Each school district or other public agency shall keep a record of parties obtaining access to educational records collected, maintained, or used under this chapter including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The agency is not required to keep a record of access by parents, adult students, and authorized employees of the school district or other public agency with a legitimate educational interest in the records.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-410, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-410, filed 10/11/95, effective 11/11/95.]

WAC 392-172-412 Records on more than one student. If any educational record includes information on more than one student, the parent(s) of those students (and/or adult students) shall have the right to inspect and review only the information relating to their student (or themselves) or to be informed of that specific information.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-412, filed 10/11/95, effective 11/11/95.]

WAC 392-172-414 List of types and locations of information. Each school district or other public agency shall provide parents (and adult students) on request a list of the types and locations of educational records collected, maintained, or used by the agency.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-414, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-414, filed 10/11/95, effective 11/11/95.]

WAC 392-172-416 Fees. (1) A participating educational agency may charge a fee for copies of records which are made for parents (or adult students) under this chapter if

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the fee does not effectively prevent the parents (or adult students) from exercising their right to inspect and review those records.

(2) A participating educational agency may not charge a fee to search for or to retrieve information under this chapter.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-416, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-416, filed 10/11/95, effective 11/11/95.]

WAC 392-172-418 Amendment of records at the request of a parent or adult student. (1) A parent of a special education student (or an adult student) who believes that information in educational records collected, maintained, or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the student may request that the school district or other public agency which maintains the information amend the information.

(2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

(3) If the agency refuses to amend the information in accordance with the request, the agency shall inform the parent or adult student of the refusal and advise the parent or adult student of the right to a hearing provided for in WAC 392-172-420.

(4) The school district or other public agency, on request, shall provide the parent or adult student an opportunity for a hearing to challenge information, in the educational records, to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

(5) If, as a result of the hearing, the school district or other public agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the agency shall amend the information accordingly and so inform the parent or adult student in writing.

(6) If, as a result of the hearing, the school district or other public agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the agency shall inform the parent(s) or adult student of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(7) Any explanation placed in the records of the student in compliance with this section shall:

(a) Be maintained by the participating agency as part of the records of the student as long as the records or the contested portion is maintained by the educational agency; and

(b) Also be disclosed to any party to whom the records of the student (or the contested portion thereof) are disclosed.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-418, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-418, filed 10/11/95, effective 11/11/95.]

WAC 392-172-420 Hearing procedures regarding records. A hearing initiated pursuant to WAC 392-172-418 to challenge information in educational records shall be conducted according to procedures developed by the school dis-

trict or other public agency, that include at least the following elements:

(1) The hearing shall be held within a reasonable period of time after the agency has received the request;

(2) The parent or adult student shall be given notice of the date, place, and time reasonably in advance of the hearing;

(3) The hearing may be conducted by any party, including an official of the agency, who does not have a direct interest in the outcome of the hearing;

(4) The parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised pursuant to WAC 392-172-418 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(5) The agency shall provide a written decision to the parent or adult student within a reasonable period of time after the conclusion of the hearing; and

(6) The decision of the agency shall:

(a) Be based solely upon the evidence presented at the hearing; and

(b) Include a summary of the evidence and the reasons for the decision.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-420, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-420, filed 10/11/95, effective 11/11/95.]

WAC 392-172-422 Consent. (1) Subject to subsection (3) of this section, written consent of a parent or adult student shall be obtained before personally identifiable information is:

(a) Disclosed to anyone other than officials of participating agencies collecting or using the information obtained under this chapter; or

(b) Used for any purpose other than meeting a requirement imposed by this chapter.

(2) The written parental consent must be signed, dated and:

(a) Specify the records that may be disclosed;

(b) State the purpose of the disclosure; and

(c) Identify the party or class of parties to whom the disclosure may be made.

(3) No school district or other public agency shall release information from educational records to participating agencies or other agencies or institutions without the written consent of a parent or adult student, unless release of the educational records is allowed under one of the exceptions under the rules implementing the federal Educational Rights and Privacy Act, 34 Code of Federal Regulations (CFR) 34 Part 99, sections 99.1 et seq.

(4) If a parent refuses to provide consent under this section, the school district or other public agency may offer mediation to the parent or use the due process hearing procedures in this chapter to override parental refusal.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-422, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-422, filed 10/11/95, effective 11/11/95.]

WAC 392-172-424 Safeguards. (1) Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages. The same privacy provisions provided to parents are extended to special education students with consideration given to the age of the student and the type and severity of the student's disability.

(2) One official at each participating agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The procedures on protection of the confidentiality of personally identifiable information, contained in this chapter, state law, the regulations implementing the Family Educational Rights and Privacy Act (34 CFR Part 99), and the school district's or other public agency's procedures.

(4) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-424, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-424, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-424, filed 10/11/95, effective 11/11/95.]

WAC 392-172-426 Destruction of information. (1) Each school district or other public agency shall inform parent(s) (and adult students) when personally identifiable information collected, maintained, or used in compliance with this chapter is no longer needed to provide educational services to the student. State law regarding records retention is contained in chapter 40.12 RCW. State procedures for school district records retention is published by the secretary of state, division of archives and records management.

(2) The information shall thereafter be destroyed at the request of the parent(s) or adult student. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-426, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-426, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-426, filed 10/11/95, effective 11/11/95.]

STATE PROCEDURES—REQUIREMENTS—STANDARDS

State Advisory Council

WAC 392-172-500 Advisory council. (1) The special education state advisory council is established in order to help facilitate the provision of special education and related services to meet the unique needs of special education students.

(2007 Ed.)

(2) The membership of the council shall include at least one representative of each of the following groups or entities:

- (a) Individuals with disabilities;
- (b) Teachers;
- (c) Parents of special education students;
- (d) Local administrators of special education programs;
- (e) Support services personnel;
- (f) Superintendents;
- (g) Principals;
- (h) Nonpublic schools serving special education students;
- (i) School directors;
- (j) Institutions of higher education that prepare special education and related services personnel;
- (k) State agencies involved in the financing or delivery of related services to special education students;
- (l) Vocational, community, or business organization concerned with the provision of transition services to special education students;
- (m) State juvenile and adult corrections agencies;
- (n) Other individuals or groups as may hereafter be designated and approved by the superintendent of public instruction.

A majority of the members of the advisory council shall be individuals with disabilities or parents of special education students.

(3) The council's purposes are to:

(a) Advise the superintendent of public instruction and make recommendations on all matters related to special education and specifically advise the superintendent of unmet needs within the state in the education of special education students including personnel needs as addressed in the state's comprehensive system of personnel development, WAC 392-172-550 et seq.;

(b) Comment publicly on any rules or regulations proposed by the state regarding the education of special education students;

(c) Assist the state in developing and reporting such information and evaluations as may assist the federal government;

(d) Advise the state in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Individuals with Disabilities Education Act;

(e) Advise the state in developing and implementing policies relating to the coordination of services for special education students; and

(f) Advise the state on the education of eligible special education students who have been convicted as adults and incarcerated in adult prisons.

(4) The council shall follow the procedures in this subsection.

(a) The advisory council shall meet as often as necessary to conduct its business.

(b) By July 1 of each year, the advisory council shall submit an annual report of council activities and suggestions to the superintendent of public instruction. This report must be made available to the public in a manner consistent with other public reporting requirements of this chapter.

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(c) Official minutes must be kept on all council meetings and shall be made available to the public on request to the office of superintendent of public instruction.

(d) All advisory council meetings and agenda items must be publicly announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend, and meetings must be open to the public.

(e) Interpreters and other necessary services must be provided at council meetings for council members or participants.

(f) The advisory council shall serve without compensation but the superintendent of public instruction must reimburse the council for reasonable and necessary expenses for attending meetings and performing duties.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-500, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-500, filed 10/11/95, effective 11/11/95.]

Methods of Ensuring Services

WAC 392-172-502 Interagency agreements. (1) The superintendent of public instruction shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each noneducational public agency described in this section and the superintendent of public instruction, in order to ensure that all services described in this section that are needed to ensure FAPE are provided, including the provision of these services during the pendency of any dispute. Consideration shall be given to preserving existing arrangements between school districts and other noneducational public agencies which are consistent with this chapter. These agreements or mechanisms shall:

(a) Describe the role that each agency plays in providing or paying for required services;

(b) Define the financial responsibility of each agency for providing special education students with a free appropriate public education. The financial responsibility of each noneducational public agency including the state Medicaid agency and other public insurers of special education students, shall precede the financial responsibility of the school district (or the state agency responsible for development of the student's individualized education program);

(c) Establish procedures for resolving interagency disputes among agencies that are parties to the agreements;

(d) Establish procedures under which school districts and other public agencies may initiate proceedings in order to secure reimbursement from agencies that are parties to the agreements or otherwise implement the provisions of the agreements; and

(e) Establish procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services.

(2) If any public agency other than a school district is otherwise obligated under federal or state law, or assigned responsibility under state policy to provide or pay for any services that are also considered special education or related services as defined in this chapter, such as, but not limited to, assistive technology devices and services, supplementary aids and services and transition services that are necessary for

ensuring a free appropriate public education to special education students within the state, the public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement.

(3) A noneducational public agency may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a school context.

(4) If a public agency other than an educational agency fails to provide or pay for the special education and related services described in this section, the school district (or state agency responsible for developing the student's IEP) shall provide or pay for these services to the student in a timely manner. The school district or state agency may then claim reimbursement for the services from the noneducational public agency that failed to provide or pay for these services and that agency shall reimburse the school district or state agency in accordance with the terms of the interagency agreement or other mechanism described in this section, and the agreement described in subsection (1)(d) of this section.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-502, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-502, filed 10/11/95, effective 11/11/95.]

WAC 392-172-50300 Special education students covered by public insurance. (1) A public agency may use the Medicaid or other public insurance benefits programs in which a student participates to provide or pay for services required under this chapter, as permitted under the public insurance program, except as provided in subsection (2) of this section.

(2) With regard to services required to provide FAPE to an eligible student under this chapter, the public agency:

(a) May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA;

(b) May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to this chapter, but pursuant to WAC 392-172-50305, may pay the cost that the parent otherwise would be required to pay; and

(c) May not use a student's benefits under a public insurance program if that use would:

(i) Decrease available lifetime coverage or any other insured benefit;

(ii) Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student outside of the time the student is in school;

(iii) Increase premiums or lead to the discontinuation of insurance; or

(iv) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-50300, filed 12/1/99, effective 1/1/00.]

WAC 392-172-50305 Special education students covered by private insurance. (1) With regard to services required to provide FAPE to an eligible student under this

chapter, a public agency may access a parent's private insurance proceeds only if the parent provides informed consent consistent with this chapter.

(2) Each time the public agency proposes to access the parent's private insurance proceeds, it must:

(a) Obtain parent consent in accordance with this chapter; and

(b) Inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

(3) If a public agency is unable to obtain parental consent to use the parent's private insurance, or public insurance when the parent would incur a cost for a specified service required under this chapter, to ensure FAPE the public agency may use its Part B funds to pay for the service.

(4) To avoid financial cost to parents who otherwise would consent to use private insurance, or public insurance if the parent would incur a cost, the public agency may use its Part B funds to pay the cost the parents otherwise would have to pay to use the parent's insurance (e.g., the deductible or co-pay amounts).

(5) Proceeds from public or private insurance will not be treated as program income for purposes of 34 CFR 80.25.

(6) If a public agency spends reimbursements from federal funds (e.g., Medicaid) for services under this chapter those funds will not be considered "state or local" funds for purposes of the maintenance of effort provisions in this chapter.

(7) Nothing in this section should be construed to alter the requirements imposed on a state Medicaid agency, or any other agency administering a public insurance program by federal statute, regulations or policy under title XIX, or title XXI of the Social Security Act, or any other public insurance program.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-50305, filed 12/1/99, effective 1/1/00.]

Program Monitoring—Funding—Fiscal Auditing

WAC 392-172-504 Monitoring. (1) The superintendent of public instruction or designee shall annually monitor selected local school districts or other public agency special education programs, so that all districts or other public agencies are monitored at least once every four years. The purpose of monitoring is to determine the school district's and other public agency's compliance with this chapter, chapter 28A.155 RCW, federal regulations implementing 20 USC Section 1400, et seq. (Part B of the Individuals with Disabilities Education Act) and other federal and state education laws necessary to validate compliance with this chapter, including validation of information included in school district or other public agency requests for federal funds.

(2) Procedures for monitoring school districts and other public agencies include:

(a) Collection of previsit data;

(b) Conduct of on-site visits; and

(c) Comparison of a sampling of evaluation reports and individualized education programs with the services provided.

(2007 Ed.)

(3) Following a monitoring visit, a monitoring report shall be submitted to the school district or other public agency. The monitoring report shall include, but not be limited to:

(a) Findings of noncompliance, if any;

(b) Required student specific corrective actions; and

(c) Areas that will require a corrective action plan to address any systemic issues determined through the monitoring.

(4) The school district or other public agency shall have thirty calendar days after the date of its receipt of the monitoring report to provide the office of superintendent of public instruction with:

(a) Supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report (if any); and

(b) Submission of a proposed corrective action plan which sets forth the measures the district or other public agency shall take and time period(s) within which the district or other public agency shall act in order to remediate the instance(s) of noncompliance.

(5) In the event that the district or other public agency submits supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report, or submits a corrective action plan that is not approved, the office of superintendent of public instruction shall determine whether or not any revisions are necessary, and the extent to which the proposed action is acceptable and issue final monitoring report within thirty calendar days after receipt of the response.

(6) If the school district or other public agency does not comply with a corrective action plan approved pursuant to subsections (4)(b) and (5) of this section, the superintendent of public instruction or designee shall institute procedures to ensure compliance with applicable state and federal rules. Such procedures may include one or more of the following:

(a) Verification visits by office of superintendent of public instruction staff, or its designee, to:

(i) Determine whether the school district or other public agency is taking the required corrective action;

(ii) Expedite the school district and other public agency's response to the final monitoring report; and

(iii) Provide any necessary technical assistance to the school district or other public agency in its efforts to comply.

(b) Withholding, in whole or part, a specified amount of state and/or federal special education funds, in compliance with the provisions of WAC 392-172-590 and 392-172-514.

(c) Initiating an audit of the school district or other public agency consistent with WAC 392-172-512.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070, 01-24-049, § 392-172-504, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-504, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW, 95-21-055 (Order 95-11), § 392-172-504, filed 10/11/95, effective 11/11/95.]

WAC 392-172-506 State use and allocation of Part B funds. (1) The superintendent of public instruction may not use more than fifteen percent of the total state allocation under Part B of the Individuals with Disabilities Education Act and section 619 (including the coordination of activities

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under Part B of the IDEA with, and providing technical assistance to, other programs that provide services to special education students) in any preceding fiscal year, cumulatively adjusted by the secretary of the department of education for each succeeding fiscal year by the lesser of:

(a) The percentage increase, if any from the preceding fiscal year in the state's allocation under section 611 of the act; or

(b) The rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the consumer price index for all urban consumers, published by the bureau of labor statistics of the department of labor.

(2) Allowable costs for use of the administrative funds under Part B and section 619 of the Individuals with Disabilities Education Act include:

(a) Administration of state activities and for planning at the state level, including planning, or assisting in the planning, of programs or projects for the education of special education students;

(b) Approval, supervision, monitoring, and evaluation of the effectiveness of local programs and projects for the education of special education students;

(c) Technical assistance to districts with respect to the requirements of this chapter;

(d) Leadership services for the program supervision and management of special education activities for special education students; and

(e) Other state leadership activities and consultative services.

(3) The office of the superintendent of public instruction based on input from school districts may use the portion of its allocation it does not use for administration:

(a) For support services and direct services; and

(b) For the administrative costs of the state's monitoring activities and complaint investigations, to the extent that these costs exceed the administrative costs for monitoring and complaint investigations incurred during fiscal year 1985;

(c) The establishment and implementation of the mediation process required by this chapter, including providing for the costs of mediators and support personnel;

(d) To assist school districts in meeting personnel shortages;

(e) Activities at the state and local levels to meet the performance goals established by the state and to support the development and implementation of the state improvement plan under subpart 1 of Part D of the IDEA if the state receives funds under that subpart;

(f) To supplement other amounts used to develop and implement a statewide coordinated services system designed to improve results for students and families, including special education students and their families, but not to exceed one percent of the amount received by the state under section 611 of the IDEA. This system must be coordinated with and, to the extent appropriate, build on the system of coordinated services developed by the state under Part C of the IDEA; and

(g) For subgrants to school districts for capacity-building and improvement.

(4) Based upon the availability of federal funds for any given fiscal year, the office of superintendent of public instruction may establish priorities in awarding subgrants to

school districts for capacity-building and improvement on a competitive or targeted basis.

These federal funds are to be used by school districts to assist them in providing direct services and in making systemic change to improve results for special education students through one or more of the following:

(a) Direct services, including alternative programming for students who have been expelled from school, and services for students in correctional facilities, and students enrolled in state-operated or state-supported schools;

(b) Addressing needs or carrying out improvement strategies identified in the state's improvement plan under subpart 1 of Part D of the IDEA;

(c) Adopting promising practices, materials, and technology, based on knowledge derived from education research and other sources;

(d) Establishing, expanding, or implementing inter-agency agreements and arrangements between school districts and other agencies or organizations concerning the provision of services to special education students and their families; and

(e) Increasing cooperative problem-solving between parents and school personnel and promoting the use of alternative dispute resolution.

(5) For the purposes of this section:

(a) "Direct services" means services provided to a special education student by the state directly, by contract, or through other arrangements; and

(b) "Support services" includes implementing the comprehensive system of personnel development, recruitment and training of hearing officers, mediators, and surrogate parents, and public information and parent training activities relating to free, appropriate public education for special education students.

(6) Of the funds the office of the superintendent of public instruction retains under this section, the office may use the funds directly, or distribute them to school districts, educational service districts, and other public agencies on a competitive, targeted, or formula basis.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-506, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-506, filed 10/11/95, effective 11/11/95.]

WAC 392-172-507 State level nonsupplanting and maintenance of effort. (1) Except as provided under WAC 392-172-506, federal funds available for special education students under Part B of the Individuals with Disabilities Education Act, shall be used to supplement, and in no case supplant, federal, state and local funds (including funds that are not under the direct control of the state or local education agencies) expended for special education and related services provided to special education students.

(2) On either a total or per-capita basis, the state will not reduce the amount of state financial support for special education and related services for special education students, or otherwise made available because of the excess costs of educating those students, below the amount of that support for the preceding fiscal year.

[Statutory Authority: 20 U.S.C. 1400 et seq., chapter 28A.155 RCW and RCW 28A.300.070. 01-24-049, § 392-172-507, filed 11/29/01, effective

12/30/01. Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-507, filed 12/1/99, effective 1/1/00.]

WAC 392-172-508 Definition of "unlawfully received or expended funds." For the purpose of WAC 392-172-512 through 392-172-518, "unlawfully received or expended funds" shall mean any state or federal special education funds received and held or expended by a school district or other public agency in a manner or for a purpose that is in violation of any provision of:

- (1) State statute or rule, including this chapter; or
- (2) Any federal rule or condition to funding that may now or hereafter supplement this chapter including:

The recovery of funds based on inaccurate child count information under the Individuals with Disabilities Education Act.

(3) In addition to meeting the other requirements of this chapter, the superintendent of public instruction shall:

- (a) Establish procedures to be used by school districts and other public agencies in counting the number of special education students receiving special education and related services;
- (b) Set dates by which those agencies and institutions must report to the superintendent of public instruction to ensure that the state complies with federal requirements;
- (c) Obtain certification from each agency and institution that an unduplicated and accurate count has been made;
- (d) Aggregate the data from the count obtained from each agency and institution, and prepare the reports required by the United States Department of Education; and
- (e) Ensure that documentation is maintained that enables the state and the United States Secretary of Education to audit the accuracy of the count.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-508, filed 10/11/95, effective 11/11/95.]

WAC 392-172-510 Child count procedures. The superintendent of public instruction shall report to the United States Secretary of Education no later than February 1 of each year the number of special education students aged three through twenty-one residing in the state who are receiving special education and related services. The superintendent shall submit the report on forms provided by the United States Secretary of Education.

- (1) Information required in the report includes:
 - (a) The number of special education students receiving special education and related services on December 1 of that school year;
 - (b) The number of special education students aged three through five who are receiving free, appropriate public education;
 - (c) The number of those special education students aged six through seventeen and eighteen through twenty-one within each disability category, as defined in the definition of "special education students"; and
 - (d) The number of those special education students aged three through twenty-one for each year of age (three, four, five, etc.).
- (2) For the purpose of this part, a student's age is the student's actual age on the date of the child count: December 1.

(2007 Ed.)

(3) The state superintendent may not report a student under more than one disability category.

(4) If a special education student has more than one disability, the superintendent shall report that student in accordance with the following procedure:

(a) A student with deaf-blindness and not reported as having a developmental delay must be reported under the category "deaf-blindness."

(b) A student who has more than one disability (other than deaf-blindness or developmental delay) must be reported under the category "multiple disabilities."

(5) The office of the superintendent of public instruction shall include in its report a certification signed by an authorized official of the agency that the information provided is an accurate and unduplicated count of special education students receiving special education and related services on the dates in question.

(6) The office of the superintendent of public instruction will include in its report special education students who are enrolled in a school or program that is operated or supported by a public agency, and that:

- (a) Provides them with both special education and related services; or
- (b) Provides them only with special education if they do not need related services to assist them in benefiting from that special education.

(7) The superintendent may not include special education students in its reports who:

- (a) Are not enrolled in a school or program operated or supported by a public agency;
- (b) Are not provided special education that meets state standards;
- (c) Are not provided with a related service that they need to assist them in benefiting from special education;
- (d) Are counted by the state's lead agency for Part C services; or
- (e) Are receiving special education funded solely by the federal government including students served by the U.S. Departments of the Interior or Education.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-510, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-510, filed 10/11/95, effective 11/11/95.]

WAC 392-172-511 Disproportionality. (1) The state shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the state with respect to:

- (a) The identification of students as special education students, including the identification of students as special education students in accordance with a particular impairment described in this chapter; and
- (b) The placement in particular educational settings of these students.

(2) In the case of a determination of significant disproportionality with respect to the identification of a student as a special education student, or the placement in particular educational settings of these students, the superintendent of public instruction shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, proce-

dures, and practices comply with the requirements of Part B of the IDEA.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-511, filed 12/1/99, effective 1/1/00.]

WAC 392-172-512 Audits. (1) The state auditor's office shall conduct fiscal/program audits of school district or other public agency special education programs. The purposes of such audits shall be:

- (a) To determine compliance or noncompliance with:
 - (i) A school district and other public agency's application(s) for state and federal excess cost funds;
 - (ii) The provisions of this chapter; and
 - (iii) Any supplemental federal conditions to funding as may now or hereafter exist.
- (b) To establish a factual basis for:
 - (i) The recovery of unlawfully received or expended state or federal special education funds; or
 - (ii) The initiation of fund withholding proceedings.
- (2) The superintendent of public instruction shall comply with chapter 392-115 WAC in the resolution of all audits.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-512, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-512, filed 10/11/95, effective 11/11/95.]

WAC 392-172-514 Fund withholding. (1) In the event a school district or other public agency fails to submit an approvable corrective action plan required by chapter 392-115 WAC, audit resolution, or fails to submit an approvable corrective action plan pursuant to WAC 392-172-504, monitoring, or fails to comply with a corrective action plan approved pursuant to chapter 392-115 WAC or fails to comply with a corrective action plan pursuant to WAC 392-172-504, the superintendent or designee shall provide the school district or other public agency notice which complies with RCW 34.05.434 of:

(a) Intent to withhold a specified amount of state and/or federal special education funds; and

(b) The school district and other public agency's opportunity for a hearing before the superintendent of public instruction or designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district or other public agency fails to request a hearing or the hearing decision upholds the final audit or monitoring in whole or part. (RCW 28A.155.100.)

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-514, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-514, filed 10/11/95, effective 11/11/95.]

WAC 392-172-516 Recovery of funds. The superintendent of public instruction shall comply with the provisions of chapter 392-115 WAC in the event an audit conducted pursuant to WAC 392-172-512 indicates that a district or other public agency has unlawfully received and/or expended state or federal special education funds.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-516, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-516, filed 10/11/95, effective 11/11/95.]

[Title 392 WAC—p. 308]

WAC 392-172-518 Fund withholdings to enforce parent appeal decisions. The superintendent of public instruction or designee may withhold any amount of state funds and/or any amount of federal special education funds as deemed necessary to enforce a decision made on appeal pursuant to WAC 392-172-360 without any necessity of a further hearing on the matter.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-518, filed 10/11/95, effective 11/11/95.]

Private School Requirements

WAC 392-172-520 Implementation by state of special education students placed or referred by school districts or other public agencies. In implementing the private school provisions of WAC 392-172-219 through 392-172-226, the state shall:

(1) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(2) Disseminate copies of applicable standards to each private school and facility to which a public agency has referred or placed a special education student;

(3) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them; and

(4) Ensure that a special education student who is placed in or referred to a private school or facility by a school district or other public agency:

(a) Is provided special education and related services;

(i) In conformance with an IEP that meets the requirements of WAC 392-172-156 et seq.; and

(ii) At no cost to the parents;

(b) Is provided an education that meets the standards that apply to education provided by school districts and other public agencies, including the requirements of this chapter; and

(c) Has all of the rights of a special education student who is served by a school district or other public agency.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-520, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-520, filed 10/11/95, effective 11/11/95.]

WAC 392-172-522 Students in public or private institutions. The state shall make arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures) as may be necessary to ensure that the least restrictive environment provisions in this chapter are effectively implemented.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-522, filed 10/11/95, effective 11/11/95.]

WAC 392-172-524 Technical assistance training and monitoring activities. (1) The state shall carry out activities to ensure that staff members and administrators in all public agencies:

(a) Are fully informed about their responsibilities for implementing the least restrictive environment requirements; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

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(2) The state shall carry out activities to ensure that the least restrictive environment requirements are implemented by each public agency.

If there is evidence that a public agency delivers services in locations that are inconsistent with the least restrictive environment requirements, the state shall:

(a) Review the public agency's justification for its actions; and

(b) Assist in planning and implementing any necessary corrective action.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-524, filed 10/11/95, effective 11/11/95.]

WAC 392-172-526 State responsibility. The state shall ensure that to the extent consistent with their number and location in the state, provision is made for the participation of private school special education students in the program assisted or carried out under this chapter by providing them with special education and related services, in accordance with WAC 392-172-232 through 392-172-248.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-526, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-526, filed 10/11/95, effective 11/11/95.]

Comprehensive System of Personnel Development

WAC 392-172-550 Comprehensive system of personnel development. The superintendent of public instruction shall establish and implement procedures for developing and conducting a comprehensive system of personnel development that:

(1) Is consistent with the purposes of Part B of the Individuals with Disabilities Education Act and the Part C Program for Infants and Toddlers with Disabilities;

(2) Is designed to ensure an adequate supply of qualified special education, general education, and related services personnel;

(3) Meets the requirements of 34 CFR 300.381 and 300.382; and

(4) Is updated at least every five years.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-550, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-550, filed 10/11/95, effective 11/11/95.]

WAC 392-172-552 Definitions. The following definitions apply to this chapter:

(1) "Appropriate professional requirements in the state," means those entry level requirements that are based on the highest requirements in the state applicable to the profession or discipline in which a person is providing special education or related services and that establish suitable qualifications for personnel providing special education and related services under Part B of the IDEA to special education children and youth who are served by state, local, and private agencies;

(2) "Highest requirements in the state applicable to a specific profession or discipline," means the highest entry-level academic degree needed for any state-approved or recog-

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nized certification, licensing, or registration or other comparable requirements that apply to that profession or discipline;

(3) "Profession or discipline," means a specific occupational category that provides special education and related services to special education children and youth under Part B of the IDEA, has been established or designated by the state, and has a required scope of responsibility and degree of supervision, and is not limited to traditional occupational categories;

(4) "Qualified" means that a person, in accordance with the provisions contained in 34 CFR 300.136 of the Individuals with Disabilities Education Act and WAC 392-172-200, has met superintendent of public instruction approved or recognized certification, licensing, registration, or other comparable requirements for the profession or discipline in which the person is providing special education and related services; and

(5) "State-approved or state-recognized certification, licensing, registration, or other comparable requirements" means the requirements that the state legislature either has enacted or has authorized a state agency to promulgate through rules to establish the entry-level standards for employment in a specific profession or discipline in the state.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-552, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-552, filed 10/11/95, effective 11/11/95.]

WAC 392-172-553 Adequate supply of qualified personnel. The office of superintendent of public instruction shall complete an analysis of state and local needs for professional development for personnel to serve special education students that includes, at a minimum:

(1) The number of personnel providing special education and related services; and

(2) Relevant information on current and anticipated personnel vacancies and shortages (including the number of individuals with temporary certification), and on the extent of certification or retraining necessary to eliminate these shortages, that is based, to the maximum extent possible, on existing assessments of personnel needs.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-553, filed 12/1/99, effective 1/1/00.]

WAC 392-172-559 Improvement strategies. After conducting the analysis described in WAC 392-172-553, the office of superintendent of public instruction shall develop strategies to address the needs identified under WAC 392-172-553, and in accordance with federal requirements in 34 CFR 300.382.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-559, filed 12/1/99, effective 1/1/00.]

WAC 392-172-561 School district implementation of comprehensive system of personnel development. Each school district or other public agency shall have on file with the office of superintendent of public instruction information to demonstrate that:

(1) All personnel necessary to carry out Part B of the IDEA within the jurisdiction of the school district or other

public agency are appropriately and adequately prepared consistent with WAC 392-172-550 et seq.; and

(2) To the extent the school district or other public agency determines appropriate, it shall contribute to and use the comprehensive system of personnel development of the state established under WAC 392-172-550 et seq.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-561, filed 12/1/99, effective 1/1/00.]

WAC 392-172-572 Personnel standards. In order to ensure that all personnel necessary to carry out the purposes of Part B the Individuals with Disabilities Education Act are appropriately and adequately prepared and trained, the superintendent of public instruction shall:

(1) Establish and maintain standards for personnel providing special education and related services; and

(2) Determine that all personnel providing special education and related services perform these functions under state-approved or state-recognized certification, licensure, or other comparable requirements that apply to the area in which the person is providing special education and related services.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-572, filed 10/11/95, effective 11/11/95.]

WAC 392-172-574 Professional standards review. The superintendent of public instruction, shall periodically review the professional requirements in the statutes necessary for the provision of special education and related services. This professional standards review must include the requirements of all statutes and the rules of all state agencies applicable to serving special education students, and shall include the standards of the superintendent of public instruction, the department of licensing, the division of vocational rehabilitation, the department of social and health services, and any other public agency responsible for the licensing or certification of personnel who provide special education or related services. In conducting this review, the superintendent of public instruction must:

(1) Determine the highest standards applicable to each profession or discipline based upon the most current information available to the superintendent of public instruction;

(2) Identify those professions or disciplines for which the highest requirements of the state apply;

(3) Identify those specific professions or disciplines for which the existing personnel standards for special education or related services, including standards for temporary or emergency certification are not based on the highest requirement in the state applicable to that specific profession or discipline; and

(4) For those professions or disciplines for which the highest requirements of the state do not apply, detail the steps the superintendent of public instruction is taking (and the procedures for notifying public agencies and personnel of those steps and the time lines it has established) for the retraining or hiring of personnel that meet the appropriate professional requirements in the state of Washington. In determining the status of personnel standards for each applicable profession or discipline in the state (as defined in WAC 392-172-572), the superintendent of public instruction's review and determination must be based on current information that accurately describes, for each profession or disci-

pline in which personnel are providing special education or related services, whether the applicable standards are consistent with the highest requirements in the state for that profession or discipline.

The results of the review conducted in accordance with the provision of this section shall be submitted to the state advisory council for special education. Supporting documentation must be maintained in the files of the superintendent of public instruction's special education section and must be available to the public.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-574, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-574, filed 10/11/95, effective 11/11/95.]

WAC 392-172-576 Personnel shortages—Requirement. Each school district or other public agency will make a good faith effort to recruit and hire appropriately and adequately trained personnel to provide special education and related services. Where there are shortages of personnel that meet these qualifications, the school district or other public agency will make a good faith effort to recruit and hire the most qualified individuals available.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-576, filed 12/1/99, effective 1/1/00.]

Performance Goals and Indicators

WAC 392-172-57700 Performance goals and indicators. (1) The office of superintendent of public instruction shall establish goals for the performance of special education students that promote the purposes of the Individuals with Disabilities Education Act and are consistent, to the maximum extent appropriate, with the state's four learning goals and essential academic learning requirements for all students.

(2) In addition, the office of superintendent of public instruction shall establish performance indicators that shall be used to assess progress toward achieving those goals that at a minimum address the performance of special education students on assessments, dropout rates, and graduation rates.

(3) The office of superintendent of public instruction shall report to the U.S. Secretary of Education and the public every two years on the progress of the state and of special education students in the state toward meeting the goals established under this section. Based on its assessment of that progress, the office of superintendent of public instruction shall revise its state improvement plan under subpart 1 of Part D of the IDEA as may be needed to improve its performance, if the state receives assistance under that subpart.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-57700, filed 12/1/99, effective 1/1/00.]

Participation in Assessments and Reporting Results

WAC 392-172-57800 Participation in assessments and reporting results. (1) The office of superintendent of public instruction shall file with the U.S. Secretary of Education information to demonstrate that special education students are included in general state and district-wide assessment programs, with appropriate accommodations and modifications in administration if necessary.

(2) As appropriate the office of superintendent of public instruction, school districts or other public agencies shall:

(a) Develop guidelines for the participation of special education students in alternate assessments for those students who cannot participate even with accommodations or modifications in state and district-wide assessment programs;

(b) Develop alternate assessments; and

(c) Begin not later than July 1, 2000, to conduct the alternate assessments.

(3) In implementing this section, the office of superintendent of public instruction shall make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled students, the following information:

(a) The number of special education students participating in:

(i) General assessments; and

(ii) Alternate assessments.

(b) The performance results of special education students:

(i) Participating in general assessments; and

(ii) On alternate assessments (not later than July 1, 2000,) if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual students.

(4) Reports to the public must include:

(a) Aggregated data that include the performance of special education students together with all other students; and

(b) Disaggregated data on the performance of special education students.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-57800, filed 12/1/99, effective 1/1/00.]

Suspension and Expulsion Rates

WAC 392-172-57900 Reporting on suspension and expulsion rates. (1) Annually, school districts or other public agencies shall report to the state on the rates of long-term suspensions and expulsions of special education students and nondisabled students for the preceding school year. The state shall examine this data to determine if significant discrepancies are occurring:

(a) Among school districts or other public agencies; or

(b) Between nondisabled students and special education students within school districts or other public agencies.

(2) If discrepancies are occurring, the state shall review and if appropriate, require revisions in state, school district or other public agency policies, procedures, and practices to ensure compliance with Part B of the IDEA.

(3) Policies, procedures, and practices to be reviewed and, if appropriate, revised include:

(a) The development and implementation of individualized education programs;

(b) The use of behavioral interventions; and

(c) Procedural safeguards.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-57900, filed 12/1/99, effective 1/1/00.]

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FUNDING PROCEDURES, STANDARDS

School District Eligibility

WAC 392-172-580 School district eligibility—Requirements. As a condition of receipt and expenditure of federal special education funds, a school district or other public agency shall annually submit a request for federal funds to the superintendent of public instruction, and conduct its special education and related services program in compliance with the school district and other public agency's state approved plan. The request shall be made on forms developed and distributed by the superintendent. Request forms shall include, but not be limited to, the following assurance(s) and types of information:

(1) Assurance that:

(a) The school district or other public agency is in compliance with the provisions of this chapter and the rules implementing Part B of Individuals with Disabilities Education Act (34 CFR 300.1 et seq.) that may supplement this chapter, including procedural safeguards;

(b) The district or other public agency shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and

(c) The funds applied for shall be expended in compliance with the request, this chapter, and any such supplemental federal rules, including excess cost, nonsupplanting, and comparable services;

(2) The information and assurances required by 34 CFR 300.220 through 34 CFR 300.250 and any other pertinent federal rules;

(3) Identification of the local district or other public agency designee responsible for child identification activities and confidentiality of information;

(4) A description of the policies, procedures and/or activities to be implemented or continued to provide for:

(a) Identification, location and evaluation (child find) of special education students including students in private schools;

(b) Confidentiality of personally identifiable information;

(c) Implementation of a system for personnel development;

(d) Involvement of parents of special education students, including the participation of non-English speaking parents;

(e) Participation of special education students with students without disabilities;

(f) Delivery of services to special education students in the least restrictive environment;

(g) Development of individualized education programs for each eligible special education student;

(h) Availability of career development and vocational education programs for special education students;

(i) A description of the numbers and types of special education students receiving special education and related services by placement option within the school district and other public agency's continuum of alternative placements;

(j) A goal and detailed timetable for providing full educational opportunity to all special education students, aged birth through twenty-one;

(k) Transition of students from Part C to preschool programs;

(l) Private school students;

(m) Performance goals and indicators;

(n) Participation in assessments and reporting results;

(o) Suspension and expulsion; and

(p) A description of the use of funds received under Part B of the Individuals with Disabilities Education Act (34 CFR 300.1 et seq.).

(5) Any other pertinent information requested by the superintendent of public instruction which is necessary for the management of the special education program.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-580, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-580, filed 10/11/95, effective 11/11/95.]

WAC 392-172-582 Collaborative requests. The superintendent of public instruction may require districts to submit a collaborative request for payments under Part B of the Individuals with Disabilities Education Act if it is determined that a single district or other public agency would be disapproved because the district or other public agency is unable to establish and maintain programs of sufficient size and scope to effectively meet the educational needs of special education students. Districts that apply for Part B funds in a collaborative request must meet the same minimum requirements as a single district or other public agency applicant. The request must be signed by the superintendent of each participating school district or other public agency. The districts are jointly responsible for implementing programs receiving payments under Part B of the Individuals with Disabilities Education Act. The total amount of funds made available to the affected school districts or other public agencies shall be equal to the sum each would have received separately.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-582, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-582, filed 10/11/95, effective 11/11/95.]

WAC 392-172-583 Exception for prior policies and procedures. If a school district or other public agency has on file with the office of superintendent of public instruction policies and procedures that demonstrate that the school district or other public agency meets any requirement under WAC 392-172-580, including any policies and procedures filed under Part B of the IDEA as in effect before June 4, 1997, the office of superintendent of public instruction shall consider the school district or other public agency to have met the requirement for purposes of receiving Part B funds.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-583, filed 12/1/99, effective 1/1/00.]

WAC 392-172-584 Review and amendment process.

(1) Requests for Part B funding shall be submitted to the office of superintendent of public instruction for review by program supervisors using state checklist and for final approval by the superintendent's designee.

(2) Prior to making a final decision on a request for Part B funding, office of superintendent of public instruction staff shall consider any decision resulting from a hearing under

WAC 392-172-350 that is adverse to the district or other public agency involved in the decision.

(3) If a district or other public agency makes a significant amendment to its policies and procedures, the district or other public agency must follow the same steps it took for submitting its original request. The review and approval process shall be the same as that used for an initial request for funds under Part B of the Individuals with Disabilities Education Act.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-584, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-584, filed 10/11/95, effective 11/11/95.]

WAC 392-172-585 Amendments to policies and procedures. (1) Policies and procedures submitted by a school district or other public agency, in accordance with WAC 392-172-580, shall remain in effect until a school district or other public agency submits to the office of superintendent of public instruction modifications that a district or agency decides are necessary.

(2) The office of superintendent of public instruction may require a school district or other public agency to modify its policies and procedures, but only to the extent necessary to ensure a district's or agency's compliance with Part B of the IDEA, if:

(a) After June 4, 1997, the provisions of the IDEA or its implementing regulations are amended;

(b) There is a new interpretation of the IDEA by federal or state courts; or

(c) There is an official finding of noncompliance with federal or state law or regulations.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-585, filed 12/1/99, effective 1/1/00.]

WAC 392-172-586 Notification of grant award. The superintendent of public instruction shall notify a district or other public agency in writing of:

(1) The amount of the grant under Part B of the Individuals with Disabilities Education Act;

(2) The period during which the district or other public agency may obligate the Part B funds; and

(3) The federal requirements that apply to the grant.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-586, filed 10/11/95, effective 11/11/95.]

WAC 392-172-588 Availability of information and public participation. Each district or other public agency shall:

(1) Make policies and procedures, any evaluations, periodic program plans, and reports relating to the Part B program available for public inspection; and

(2) Provide reasonable opportunities for the participation by teachers, parents of special education students, families, other interested agencies, organizations, and individuals in the planning for and operation of the Individuals with Disabilities Education Act Part B program as an integral part of the overall school program; and

(3) At a minimum, a school district and other public agency's procedures must describe the steps taken to:

(a) Make policies and procedures and any required evaluations, plans, and reports available to the public; and

(b) Involve the required constituency groups, as noted above, in the planning and operation of the Part B program. Parental participation in the individualized education program process does not constitute involvement in the planning and operation of the program.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-588, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-588, filed 10/11/95, effective 11/11/95.]

WAC 392-172-590 Denial of requests—Opportunity for hearing. (1) In the event the superintendent of public instruction or designee proposes to deny, in whole or part, the request of a district or other public agency for federal special education funds, the district or other public agency shall be provided notice pursuant to RCW 34.05.434 of:

(a) Intent to deny the request of the district or other public agency; and

(b) The school district and other public agency's opportunity for a hearing before the superintendent of public instruction or designee prior to a denial of the request.

(2) The superintendent of public instruction shall provide an opportunity for a hearing before the office of superintendent of public instruction disapproves the request in accordance with the following procedures:

(a) The applicant shall request the hearing within thirty days of the action of the superintendent of public instruction.

(b) Within thirty days after it receives a request, the superintendent of public instruction shall hold a hearing on the record and shall review its action.

(c) No later than ten days after the hearing the office of superintendent of public instruction shall issue its written ruling, including findings of fact and reasons for the ruling. If supported by substantial evidence, findings of fact by the superintendent of public instruction are final.

(3) If the office of superintendent of public instruction determines that its action was contrary to state or federal statutes or regulations that govern the applicable program, the action shall be rescinded.

(4) If the superintendent of public instruction does not rescind its final action after a review, the applicant may appeal to the United States Secretary of Education. The applicant shall file a notice of the appeal with the United States Secretary of Education within twenty days after the applicant has been notified by the superintendent of public instruction of the results of the agency's review.

(5) The superintendent of public instruction shall make available at reasonable times and places to each applicant all records pertaining to any review or appeal an applicant is pursuing under this section, including records of other applicants.

(6) The school district and other public agency's request may be denied, in whole or part, if the district or other public agency fails to request a hearing or the hearing decision upholds the proposed basis for denial.

(7) Any school district or other public agency in receipt of a notice described in this section shall, by means of a public notice, take the measures necessary to bring a pending

action pursuant to this section to the attention of the public within its jurisdiction.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-590, filed 12/1/99, effective 1/1/00. Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-590, filed 10/11/95, effective 11/11/95.]

WAC 392-172-595 Records related to grant funds.

(1) The superintendent of public instruction and districts shall keep records that show:

(a) The amount of funds under the grant;

(b) How the funds were used;

(c) The total cost of the project;

(d) The share of that cost provided from other sources; and

(e) Other records to facilitate an effective audit.

(2) Records shall be maintained to show program compliance, including records related to the location, evaluation and placement of special education students and the development and implementation of individualized education programs. Program and fiscal information records shall be available to authorized representatives of the office of superintendent of public instruction for the purpose of compliance monitoring under WAC 392-172-504 or auditing under WAC 392-172-512.

(3) Records shall be retained for five years after completion of the activities for which grant funds were used.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-595, filed 12/1/99, effective 1/1/00.]

School District Use of Funds

WAC 392-172-600 School district or other public agency use of amounts. The school district or other public agency must have on file with the state information to demonstrate that amounts provided under Part B of the IDEA:

(1) Will be expended in accordance with the applicable provisions of this chapter;

(2) Will be used only to pay the excess costs of providing special education and related services to special education students, consistent with this chapter; and

(3) Will be used to supplement state, local and other federal funds and not to supplant those funds.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-600, filed 12/1/99, effective 1/1/00.]

WAC 392-172-605 School district or other public agency use of federal funds for preschool children. In general, federal Part B funds are to be used for eligible special education students birth through twenty-one years of age. Federal preschool funds under section 619 may only be used for eligible special education children aged three through five years.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-605, filed 12/1/99, effective 1/1/00.]

WAC 392-172-610 School district or other public agency maintenance of effort. (1) Except as provided under WAC 392-172-615 and 392-172-620, funds provided to school districts or other public agencies under Part B of the IDEA may not be used to reduce the level of expenditures for

the education of special education students made by it from local funds below the level of those expenditures for the preceding fiscal year.

(2) Except as provided in subsection (3) of this section, the office of superintendent of public instruction determines that a school district complies with this section for purposes of establishing the school district's eligibility for an award for a fiscal year if the district budgets, for the education of special education students, at least the same total or per-capita amount from either of the following sources as the district spent for that purpose from the same source for the most recent prior year for which information is available:

- (a) Local funds only.
- (b) The combination of state and local funds.

(3) A district that relies on subsection (2)(a) of this section for any fiscal year must ensure that the amount of local funds it budgets for the education of special education students in that year is at least the same, either in total or per capita, as the amount it spent for that purpose in:

(a) The most recent fiscal year for which information is available, if that year is, or is before, the first fiscal year beginning on or after July 1, 1997; or

(b) If later, the most recent fiscal year for which information is available and the standard in subsection (2)(a) of this section was used to establish its compliance with this section.

(4) The office of superintendent of public instruction may not consider any expenditures made from funds provided by the federal government for which the office of superintendent of public instruction is required to account to the federal government or for which the district is required to account to the federal government directly or through the office of superintendent of public instruction in determining a district's compliance with the requirement of this section.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-610, filed 12/1/99, effective 1/1/00.]

WAC 392-172-615 School district or other public agency exceptions to maintenance of effort. A school district or other public agency may reduce the level of expenditures made by it under Part B of the IDEA below the level of those expenditures for the preceding fiscal year if the reduction is attributable to:

(1) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel, who are replaced by qualified, lower-salaried staff;

(2) A decrease in the enrollment of special education students;

(3) The termination of the obligation of the district or agency, consistent with this chapter, to provide a program of special education to a particular special education student that is an exceptionally costly program as determined by the state, because the student:

(a) Has left the jurisdiction of the district or agency;

(b) Has reached the age at which the obligation of the district or agency to provide a free appropriate public education to the student has terminated; or

(c) No longer needs the program of special education.

(4) The termination of costly expenditures for long-term purchases such as the acquisition of equipment or the construction of school facilities.

(5) In order for a school district to invoke the exception in subsection (1) of this section, the district must ensure that those voluntary retirements or resignations and replacements are in full conformity with:

(a) Existing school board policies in the agency;

(b) The applicable collective bargaining agreement in effect at that time; and

(c) Applicable state statutes.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-615, filed 12/1/99, effective 1/1/00.]

WAC 392-172-620 School district or other public agency—Treatment of federal funds in certain fiscal years.

(1) For any fiscal year in which the total of federal funds available for IDEA-B exceeds \$4.1 billion dollars, a school district or other public agency may treat as local funds up to twenty percent of the amount of funds it receives under Part B of the IDEA that exceeds the amount it received under Part B of the IDEA for the previous fiscal year. The requirements regarding supplanting and maintenance of effort do not apply with respect to the amount that may be treated as local funds under this section.

(2) If the state determines that a school district or other public agency is not meeting the requirements of this chapter, the state may prohibit the district or agency from treating funds received under Part B of the IDEA as local funds under this section for any fiscal year, but only if it is authorized to do so by the state constitution or a state statute.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-620, filed 12/1/99, effective 1/1/00.]

WAC 392-172-625 School-wide programs under Title I of the ESEA.

(1) A school district or other agency may use funds received under Part B of the IDEA for any fiscal year to carry out a school-wide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount used in any school-wide program may not exceed:

(a) The amount received by the district or agency under Part B for that fiscal year; divided by the number of special education students in the jurisdiction; multiplied by

(b) The number of special education students participating in the school-wide program.

(2) The funds described in subsection (1) of this section may be used without regard to WAC 392-172-600(1).

(3) The funds described in subsection (1) of this section must be considered as federal Part B funds for purposes of calculating excess cost and supplanting.

(4) Except as provided in subsections (2) and (3) of this section, all other requirements of Part B must be met, including ensuring that special education students in school-wide program schools:

(a) Receive services in accordance with a properly developed IEP; and

(b) Are afforded all of the rights and services guaranteed to special education students under the IDEA.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-625, filed 12/1/99, effective 1/1/00.]

WAC 392-172-630 School district or other public agency permissive use of funds. (1) Funds provided to a school district or other public agency under the IDEA-B may be used for the costs of special education and related services and supplementary aids and services provided in a general class or other education related setting to a special education student in accordance with the individualized education program of the student, even if one or more nondisabled students benefit from these services; and/or

(2) To develop and implement a fully integrated and coordinated services system in accordance with WAC 392-172-635.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-630, filed 12/1/99, effective 1/1/00.]

WAC 392-172-635 School district or other public agency coordinated services system. (1) A school district or other public agency may use not more than five percent of the amount the district or agency receives under Part B of the IDEA for any fiscal year, in combination with other amounts (which must include amounts other than education funds), to develop and implement a coordinated services system designed to improve results for students and families, including special education students and their families.

(2) In implementing a coordinated services system under this section, a school district or other public agency may carry out activities that include:

(a) Improving the effectiveness and efficiency of service delivery, including developing strategies that promote accountability for results;

(b) Service coordination and case management that facilitate the linkage of individualized education programs under Part B of the IDEA and individualized family services plans under Part C of the IDEA with individualized service plans under multiple federal and state programs, such as Title I of the Rehabilitation Act of 1973 (vocational rehabilitation), Title XIX of the Social Security Act (Medicaid) and Title XVI of the Social Security Act (supplementary security income);

(c) Developing and implementing interagency financing strategies for the provision of education, health, mental health, and social services, including transition services and related services under the IDEA; and

(d) Interagency personnel development for individuals working on coordinated services.

(3) If a school district or other public agency is carrying out a coordinated services project under Title XI of the Elementary and Secondary Education Act of 1965 and a coordinated project under Part B of the IDEA in the same schools, the district or agency shall use the amounts under this section in accordance with the requirements of that title.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-635, filed 12/1/99, effective 1/1/00.]

School-Based Improvement Plan

WAC 392-172-640 School-based improvement plan.

(1) The state may grant authority to a school district or other public agency to permit a public school (through a school-based standing panel) to design, implement, and evaluate a

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school-based improvement plan for a period not to exceed three years.

(2) A school district or other public agency may use Part B funds to permit a public school within its jurisdiction to implement a school-based improvement plan. The plan must be consistent with the purposes described in section 651(b) of the IDEA (state program improvement grants). These purposes include reforming and improving state systems for providing educational, early intervention, and transitional services. The systems involved include professional development, technical assistance, and the dissemination of knowledge about best practices to improve results for students with disabilities.

(3) The plan must be designed to improve results for all special education students and, as appropriate, for other students consistent with WAC 392-172-630.

(4) If the state grants the authority to a school district or other public agency to develop a plan, the district or agency must have the sole responsibility of oversight of all activities relating to the design, implementation, and evaluation of any school-based improvement plan that a public school is permitted to design under this section.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-640, filed 12/1/99, effective 1/1/00.]

WAC 392-172-645 Plan requirements. (1) A school-based improvement plan described in WAC 392-172-640 is for those students who attend the school for which the plan is designed and implemented.

(2) The plan must:

(a) Be designed, evaluated, and as appropriate, implemented by a school-based standing panel established in accordance with WAC 392-172-650;

(b) Include goals and measurable indicators to assess the progress of the public school in meeting these goals; and

(c) Ensure that all special education students receive the services described in their individualized education programs.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-645, filed 12/1/99, effective 1/1/00.]

WAC 392-172-650 School district responsibilities. A school district or other public agency that is granted authority under WAC 392-172-640 to develop a plan shall:

(1) Select each school under the jurisdiction of the district or agency that is eligible to design, implement, and evaluate the plan;

(2) Require each school selected in accordance with criteria established by the district or agency to establish a school-based standing panel to carry out the duties described in WAC 392-172-645;

(3) Establish:

(a) Criteria that must be used by the district or agency in the selection of an eligible school;

(b) Criteria that must be used by an eligible public school in the establishment of a school-based standing panel to carry out the duties described in WAC 392-172-645 that ensure that the membership of the panel reflects the diversity of the community in which the public school is located and includes, at a minimum:

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(i) Parents of special education students who attend a public school, including parents of special education students from unserved and underserved populations, as appropriate;

(ii) Special education and general education teachers of public schools;

(iii) Special education and general education administrators, or the designee of those administrators, of those public schools; and

(iv) Related services providers who are responsible for providing services to the special education students who attend those public schools.

(c) Criteria that must be used by the district or agency with respect to the distribution of funds under Part B of the IDEA to carry out this section.

(4) Disseminate the criteria to local school district personnel and local parent organizations within the jurisdiction of the district or agency;

(5) Require a public school that desires to design, implement, and evaluate a school-based improvement plan to submit an application at the time, in the manner and accompanied by the information, that the district or agency shall reasonably require; and

(6) Establish procedures for approval by the district or agency of a school-based improvement plan designed under Part B of the IDEA.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-650, filed 12/1/99, effective 1/1/00.]

WAC 392-172-655 Limitation. A school-based improvement plan may be submitted to a district or agency, for approval only if a consensus with respect to any matter relating to the design, implementation, or evaluation of the goals of the plan is reached by the school-based standing panel that designed the plan.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-655, filed 12/1/99, effective 1/1/00.]

WAC 392-172-660 Additional requirements. (1) In carrying out the requirements of WAC 392-172-640 et seq., a school district or other public agency shall ensure that the parents of special education students are involved in the design, evaluation, or if appropriate, implementation of school-based improvement plans in accordance with this section.

(2) A district or agency may approve a school-based improvement plan of a public school within its jurisdiction for a period of three years if:

(a) The approval is consistent with the policies, procedures, and practices established by the district or agency in accordance with WAC 392-172-640 et seq.; and

(b) A majority of the parents of students who are members of the school-based standing panel and a majority of other members of the school-based standing panel that designed the plan, agree in writing to the plan.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-660, filed 12/1/99, effective 1/1/00.]

WAC 392-172-665 Extension of plan. If a public school within the jurisdiction of a school district or other public agency meets the applicable requirements and criteria

described in this section, at the expiration of the three-year approval period, the district or agency may approve a school-based improvement plan of the school for an additional three-year period.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-665, filed 12/1/99, effective 1/1/00.]

Chapter 392-173 WAC SPECIAL EDUCATION PROGRAMS—DSHS STUDENTS

WAC

392-173-003	Authority.
392-173-005	Purpose.
392-173-010	Definitions.
392-173-015	General duties of the department of social and health services and the superintendent of public instruction.
392-173-020	Referral and admission to a residential school—Eligibility for immediate placement.
392-173-025	Assessment, individual education plan, least restrictive environment, placement options, annual review of placement, and notice.
392-173-030	Medical evaluation.
392-173-035	Education records.
392-173-040	Annual application.
392-173-045	Staff qualifications.
392-173-047	Interagency agreements.
392-173-050	Monitoring.
392-173-055	Audits.
392-173-065	Program length.
392-173-075	Transportation and facilities.
392-173-080	Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-173-060	Program evaluation and revision. [Order 16-76, § 392-173-060, filed 12/21/76.] Repealed by 80-11-038 (Order 80-30), filed 8/15/80. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution.
392-173-070	Staff qualifications and ratios. [Order 16-76, § 392-173-070, filed 12/21/76.] Repealed by 80-11-038 (Order 80-30), filed 8/15/80. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution.

WAC 392-173-003 Authority. The authority for this chapter is RCW 72.05.140 which requires educational programs operated by the department of social and health services to conform to standards defined by the state board of education or the office of superintendent of public instruction. Such authority is buttressed by RCW 28A.300.070 which authorizes the superintendent of public instruction to accept federal conditions upon the receipt of federal funds for educational programs operated by the department of social and health services and by Article III, section 22 of the state Constitution which requires the superintendent of public instruction to have supervision over all matters pertaining to the public schools.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-173-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.02.100, 84-20-086 (Order 84-46), § 392-173-003, filed 10/2/84.]

WAC 392-173-005 Purpose. The purpose of this chapter is to accommodate the unique goals and student population of the state schools for the deaf and the blind and the early childhood developmental centers operated by the department of social and health services by establishing the

standards governing the development and implementation of special education and related services for residents with disabilities of such schools who are under the age of twenty-one. This chapter applies to the maintenance and operation of such programs by the department of social and health services and the general supervisory authority of the office of the superintendent of public instruction.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-005, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-005, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-005, filed 8/15/80; Order 16-76, § 392-173-005, filed 12/21/76.]

WAC 392-173-010 Definitions. As used in this chapter:

(1) "Department" shall mean the department of social and health services.

(2) The meaning of terms as used in this chapter shall be as provided in WAC 392-171-310, 392-171-311, 392-171-315, and 392-171-320.

(3) The term "schools" shall mean the state schools for the deaf and the blind and the early childhood developmental centers.

(4) Early childhood developmental centers shall mean state/department supported community based programs for preschool students aged birth to three.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-010, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-010, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-010, filed 8/15/80; Order 16-76, § 392-173-010, filed 12/21/76.]

WAC 392-173-015 General duties of the department of social and health services and the superintendent of public instruction. In recognition of the fact that the department has the immediate statutory duty, authority, and responsibility to establish, maintain, operate, and administer a comprehensive program for the care, custody, control, and education of students at the state schools for the deaf and the blind and early childhood developmental centers; and that the superintendent of public instruction is charged with the responsibility of assisting the state schools so that the educational programs maintained therein shall be comparable to such programs provided for in chapter 392-171 WAC for children with similar aptitudes in local school districts; and that the superintendent of public instruction is appropriated federal funds for these programs from time to time and has the constitutional and statutory authority to supervise all matters pertaining to the public school system, the principal duties of the superintendent of public instruction and department shall be as follows:

(1) The superintendent of public instruction shall cooperate with the department in the exercise of powers granted by law with the objective of assuring each student a free appropriate public education consistent with this chapter;

(2) The superintendent of public instruction shall assist the department regarding the operation and maintenance of educational programs for students in such schools;

(3) The superintendent of public instruction shall seek, allocate, and distribute federal funds made available for these programs on the condition that funds made available for the

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education of students be expended in compliance with the requirements of this chapter and other state or federal funding conditions; and

(4) The superintendent of public instruction shall provide the department with information and the advice and services of his or her staff necessary to achieve the purpose of this chapter to the extent the same are reasonably available. This part may not be construed to permit the state to reduce medical and other assistance available to students with disabilities, or to alter the eligibility of a student with a disability, under Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, to receive services that are also part of a free appropriate public education.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-015, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-015, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-015, filed 8/15/80; Order 16-76, § 392-173-015, filed 12/21/76.]

WAC 392-173-020 Referral and admission to a residential school—Eligibility for immediate placement. Students admitted to the state school for the blind and the deaf shall be enrolled in an educational program within ten days of admittance. Students placed in an early childhood developmental center shall be immediately eligible for an educational program.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-020, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-020, filed 8/15/80; Order 16-76, § 392-173-020, filed 12/21/76.]

WAC 392-173-025 Assessment, individual education plan, least restrictive environment, placement options, annual review of placement, and notice. The following provisions from chapter 392-171 WAC shall be applicable to students in such schools: WAC 392-171-346, 392-171-351, 392-171-366, 392-171-371, 392-171-456, 392-171-461, 392-171-471, 392-171-481, 392-171-511, 392-171-516, 392-171-521, and 392-171-526.

[Statutory Authority: RCW 72.05.140 and 28A.300.070. 90-19-069 (Order 30), § 392-173-025, filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-025, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-025, filed 8/15/80; Order 16-76, § 392-173-025, filed 12/21/76.]

WAC 392-173-030 Medical evaluation. Medical evaluation shall be the responsibility of the department whenever a student with disabilities is suspected of having a health problem which may affect his or her educational program: Provided, That medical evaluations at the expense of the department as otherwise in behalf of the department shall be obtained only:

(1) At the direction of or with prior approval of the department's designee, except in the case of an independent assessment ordered pursuant to WAC 392-171-371.

(2) In accordance with criteria established by the department, but not limited to, the location of the evaluation and report required.

(3) When the student's personal physician, if the student has a physician, has been involved in the planning.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-030, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-030, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-030, filed 8/15/80; Order 16-76, § 392-173-030, filed 12/21/76.]

WAC 392-173-035 Education records. In addition to applicable laws on records and privacy for persons admitted to the state schools for the blind and the deaf and early childhood developmental centers and the procedures, rules, and criteria of the department implementing such laws, the following provisions of chapter 392-171 WAC on education records shall be applicable to students admitted to these schools: WAC 392-171-591, 392-171-596, 392-171-601, 392-171-606, 392-171-611, 392-171-616, 392-171-621, 392-171-636, and 392-171-641. Hearings initiated to challenge information contained in the education record shall be conducted according to applicable state and federal laws and department procedures, rules, and criteria implementing such laws.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-035, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-035, filed 8/15/80; Order 16-76, § 392-173-035, filed 12/21/76.]

WAC 392-173-040 Annual application. The following provision from chapter 392-171 WAC shall be applicable as they relate to ESEA Title I, P.L. 89-313 funds: WAC 392-171-691, and 392-171-696.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-040, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-040, filed 8/15/80; Order 16-76, § 392-173-040, filed 12/21/76.]

WAC 392-173-045 Staff qualifications. WAC 392-171-701 shall be applicable to all employees of the state schools for the blind and the deaf and early childhood developmental disabilities centers.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-045, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-045, filed 8/15/80; Order 16-76, § 392-173-045, filed 12/21/76.]

WAC 392-173-047 Interagency agreements. WAC 392-171-728 shall be applicable to the department.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-047, filed 9/13/93, effective 10/14/93.]

WAC 392-173-050 Monitoring. WAC 392-171-731 shall be applicable for programs in the state schools for the blind and the deaf and early childhood developmental centers.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-050, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-050, filed 8/15/80; Order 16-76, § 392-173-050, filed 12/21/76.]

WAC 392-173-055 Audits. WAC 392-171-736, 392-171-741, 392-171-746, 392-171-751, and 392-171-756 shall be applicable for programs in the state schools for the blind and the deaf and early childhood developmental centers: Provided, That audits and recovery of funds distributed to

such schools shall be limited to federal ESEA Title I, P.L. 89-313 funds.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-055, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-055, filed 8/15/80; Order 16-76, § 392-173-055, filed 12/21/76.]

WAC 392-173-065 Program length. WAC 392-171-721 shall be applicable to all students provided for by this chapter.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-065, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-065, filed 8/15/80; Order 16-76, § 392-173-065, filed 12/21/76.]

WAC 392-173-075 Transportation and facilities. The department shall provide or make arrangements for the provision of transportation and facilities necessary or appropriate to the conduct of its educational program. All such service or physical elements in support of an educational program shall be provided in a manner and condition which reasonably assures the safety, health, and attainment of educational goals and objectives for each student.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-075, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-075, filed 8/15/80; Order 16-76, § 392-173-075, filed 12/21/76.]

WAC 392-173-080 Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program. (1) Decisions made by the state school for the deaf and the blind and early childhood developmental centers regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the department, as shall be complaints registered by any person, entity, or organization alleging one or more violations of this chapter: Provided, That such procedures shall at least guarantee parents, guardians, surrogate parents, public agencies, and others such notice and right to register a complaint, including the appeal process, as may now or hereafter be provided for in and pursuant to chapter 392-168 WAC.

(2) Appeals and complaints by a parent, guardian, or a surrogate parent shall be pursuant to procedures as now or hereafter established by the department: Provided, That such procedures shall at least guarantee parents, guardians, surrogate parents, and others such notice and hearing rights as may now or hereafter be provided for in and pursuant to 20 U.S.C. §1415 as amended by Public Law 94-142 including, but not limited to, prior notice of and a right to an impartial due process hearing in connection with decisions to initiate or change, or to refuse to initiate or change, the identification, evaluation, or educational placement of a student or the provision of a free appropriate education.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-080, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-080, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-080, filed 8/15/80; Order 16-76, § 392-173-080, filed 12/21/76.]

Chapter 392-175 WAC
WAIVER OF REGULATIONS PERTAINING TO
SPECIAL EDUCATION, CHAPTER 1, AND
LEARNING ASSISTANCE PROGRAMS

WAC

392-175-001	Authority.
392-175-005	Purpose.
392-175-010	Standards for the modification or waiver of the superintendent of public instruction's rules.
392-175-015	Waiver of state statutes.
392-175-025	Rules waiver procedures.

WAC 392-175-001 Authority. The authority for this chapter is RCW 28A.155.090(7) which authorizes the superintendent of public instruction to promulgate rules and regulations to implement chapter 28A.155 RCW. Such authority is supplemented by RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds in accordance with the provisions of federal law. Inherent in the authority granted by RCW 28A.155.090(7), is the authority to waive, pursuant to chapter 34.05 RCW, any rule or regulation promulgated by the superintendent of public instruction.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-001, filed 7/14/92, effective 8/14/92.]

WAC 392-175-005 Purpose. The purpose of this section is to establish procedures for the waiver of rules and regulations promulgated to govern special education, Chapter 1, and learning assistance programs to the extent requested by local school districts to provide improved programs for educationally at-risk students.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-005, filed 7/14/92, effective 8/14/92.]

WAC 392-175-010 Standards for the modification or waiver of the superintendent of public instruction's rules. The superintendent of public instruction shall grant a request of the modification or waiver of a special education, Chapter 1, or learning assistance program rule which the superintendent determines meets each of the following standards:

- (1) The rule does not deal with public health, safety, or civil rights.
- (2) The school district has presented satisfactory reasons for the modification or waiver of the rule.
- (3) The rule is not required by federal statute or regulation which has not been waived by the United States Department of Education.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-010, filed 7/14/92, effective 8/14/92.]

WAC 392-175-015 Waiver of state statutes. Statutory provisions that correspond to state administrative rule provisions which are modified or waived at the request of a school district pursuant to this chapter shall also be deemed to have been modified or waived to the same extent.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-015, filed 7/14/92, effective 8/14/92.]

WAC 392-175-025 Rules waiver procedures. Any local school district, governed by the regulations in this chapter, may request from the superintendent of public instruction,

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tion, waiver of any regulation governed by this chapter. Such request for waiver will be transmitted to the superintendent of public instruction in writing and shall clearly state the regulation to be waived, and, as appropriate, the duration of the waiver, the section or sections of the district's educational program to be covered by the waiver, and anticipated effect of the waiver on the district's operations. The district's application for waiver must demonstrate the method the district has employed to seek public input from parents and families regarding the development of the program innovation.

The superintendent shall respond in writing to the applicant district, granting or denying the waiver, and, if denying the waiver, reasons for such denial. If granted, the waiver shall state the duration of the waiver, and any limitations on the extent of the waiver. Should the superintendent's denial of a waiver be based on federal or other state agency regulations, the superintendent may request clarification of the intent of federal or other state agency regulations from the promulgating agency.

The superintendent shall design a system of evaluation of the effect of the waiver on the school district's educational program, including a system of review of the appropriateness of the waiver by other districts and families, students, teachers, and administrators, program evaluation, and a schedule for review of the appropriateness of the waiver. Each district receiving a waiver from these regulations shall be subject to any program review requirements which pertain to the programs subject to regulations being waived.

Should any waiver granted by the superintendent of public instruction be determined to be in conflict with federal or state statute or regulation, the superintendent shall give immediate notice to the district of revocation or revision of the waiver.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-025, filed 7/14/92, effective 8/14/92.]

Chapter 392-182 WAC
STUDENT—HEALTH RECORDS

WAC

392-182-005	Authority.
392-182-010	Purpose.
392-182-015	Supplement to chapter 180-38 WAC.
392-182-020	Quick verification of immunization records.

WAC 392-182-005 Authority. The authority for this chapter is RCW 28A.210.150 which requires the superintendent of public instruction to "provide procedures for schools to quickly verify the immunization of records of students transferring from one school to another before the immunization records are received."

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-182-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.31.117. 86-15-050 (Order 86-8), § 392-182-005, filed 7/18/86. Statutory Authority: 1985 c 50 § 5. 85-21-077 (Order 85-10), § 392-182-005, filed 10/21/85.]

WAC 392-182-010 Purpose. The purpose of this chapter is to implement RCW 28A.210.150 and provide for quick verification of immunization records of students transferring from one school to another before the immunization records are received.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-182-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.31.117, 86-15-050 (Order 86-8), § 392-182-010, filed 7/18/86. Statutory Authority: 1985 c 50 § 5, 85-21-077 (Order 85-10), § 392-182-010, filed 10/21/85.]

WAC 392-182-015 Supplement to chapter 180-38 WAC. This chapter is intended to supplement rules of the state board of education in chapter 180-38 WAC. Definitions within chapter 180-38 WAC are incorporated herein by reference.

[Statutory Authority: 1985 c 50 § 5, 85-21-077 (Order 85-10), § 392-182-015, filed 10/21/85.]

WAC 392-182-020 Quick verification of immunization records. In the event the records of a student transferring from one school to another have not been received before or on the student's first day of attendance at the new school, the chief administrator or administrator's designee of the new school shall attempt to verify the immunization status of the student prior to excluding such student pursuant to the provision of chapter 180-38 WAC. Such verification of full immunization, commencement of a schedule of immunization, or a statement of exemption may rely upon telephonic or electronic communication with the chief administrator or other appropriate official at the previous school that indicates which of the specifically required vaccines the student has received and the month and year in which they were administered.

[Statutory Authority: RCW 28A.210.150, 98-04-025 (Order 98-01), § 392-182-020, filed 1/28/98, effective 2/28/98. Statutory Authority: 1985 c 50 § 5, 85-21-077 (Order 85-10), § 392-182-020, filed 10/21/85.]

Chapter 392-183A WAC

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC

392-183A-005	Authority.
392-183A-010	Purpose.
392-183A-015	Grounds for ineligibility.
392-183A-020	Due process.
392-183A-025	Discipline.
392-183A-030	State board of education approval.

WAC 392-183A-005 Authority. The authority for this chapter is RCW 69.41.340 which authorizes the superintendent of public instruction, in consultation with the Washington Interscholastic Activity Association to adopt rules and regulations regarding loss of eligibility to participate in school-sponsored athletic events for any student athlete found to have violated chapter 69.41 RCW, Legend drugs—Prescription drugs.

[Statutory Authority: RCW 69.41.340, 90-09-039 (Order 90-05), § 392-183A-005, filed 4/12/90, effective 5/13/90.]

WAC 392-183A-010 Purpose. The purpose of this chapter is to set forth policies and procedures to implement due process procedures and discipline relating to violations of chapter 69.41 RCW.

[Statutory Authority: RCW 69.41.340, 90-09-039 (Order 90-05), § 392-183A-010, filed 4/12/90, effective 5/13/90.]

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WAC 392-183A-015 Grounds for ineligibility. Any student found by the school district to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in WIAA sponsored school sports programs.

[Statutory Authority: RCW 69.41.340, 90-09-039 (Order 90-05), § 392-183A-015, filed 4/12/90, effective 5/13/90.]

WAC 392-183A-020 Due process. The Washington Interscholastic Activity Association shall adopt, publish, and make available to all students and parents, written rules which state with reasonable clarity the types of misconduct for which loss of eligibility may occur under the provisions of this chapter. In addition, written procedures for imposing loss of eligibility and a method of appeal to assert innocence or present mitigating circumstances shall be developed. Such procedures shall be consistent with rules developed by the WIAA to govern all student eligibility appeals. Such rules shall:

- (1) Specify the reason(s) for their alleged ineligibility, the rule being violated, and provide written notice of applicable procedures and timelines.
- (2) Specify that the student may represent himself/herself or be represented by a person of choice. The student shall also have the opportunity to testify, present, and cross-examine witnesses and introduce relevant evidence.
- (3) Specify that any decision shall be rendered within five calendar days following the date of the hearing.
- (4) Specify that the student is entitled to an appeal and set forth guidelines for a proposed resolution.

[Statutory Authority: RCW 69.41.340, 90-09-039 (Order 90-05), § 392-183A-020, filed 4/12/90, effective 5/13/90.]

WAC 392-183A-025 Discipline. The Washington Interscholastic Authority Association shall adopt, publish, and make available to all students and parents, written rules which state with reasonable clarity the form of discipline imposed for violation of this chapter. Such rules shall include the following:

- (1) The penalty for a first violation of this chapter shall be immediate ineligibility for interscholastic competition in the current interscholastic sports program for the remainder of the season.
- (2) The penalty for a second violation of this chapter shall be ineligibility and prohibition from participating in any WIAA member school sports program for a period of one calendar year from the date of the second violation.
- (3) The penalty for a third violation of this chapter shall be permanent prohibition from participating in any WIAA member school athletic program.

[Statutory Authority: RCW 69.41.340, 90-09-039 (Order 90-05), § 392-183A-025, filed 4/12/90, effective 5/13/90.]

WAC 392-183A-030 State board of education approval. The WIAA shall present any policies or procedures developed as a result of this chapter for the approval of the state board of education prior to their adoption and implementation by the WIAA.

[Statutory Authority: RCW 69.41.340, 90-09-039 (Order 90-05), § 392-183A-030, filed 4/12/90, effective 5/13/90.]

Chapter 392-184 WAC**REENTRY TO COMMON SCHOOLS—
EDUCATIONAL CLINIC AND OTHER STUDENTS****WAC**

392-184-003	Authority.
392-184-005	Purpose.
392-184-010	Definition—Common school dropout.
392-184-015	Reentry to common schools—General provision— Grade level.
392-184-020	Reentry to common schools—Education center student.
392-184-025	Determination of grade level upon reentry—Education center student.

WAC 392-184-003 Authority. The authority for this chapter is RCW 28A.205.030 which authorizes the superintendent of public instruction to adopt rules relating to the grade level standing of a prior common school dropout who reenters the common school system.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-184-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.030, 84-05-026 (Order 84-5), § 392-184-003, filed 2/14/84.]

WAC 392-184-005 Purpose. The purpose of this chapter is to establish policies and procedures governing the reentry to the common school system of a prior common school dropout.

[Statutory Authority: RCW 28A.97.030, 84-05-026 (Order 84-5), § 392-184-005, filed 2/14/84.]

WAC 392-184-010 Definition—Common school dropout. As used in this chapter, the term common school dropout includes all students who leave school for reasons other than a lawfully imposed expulsion, including the period of time a student is subject to a lawfully imposed suspension.

[Statutory Authority: RCW 28A.97.030, 84-05-026 (Order 84-5), § 392-184-010, filed 2/14/84.]

WAC 392-184-015 Reentry to common schools—General provision—Grade level. A common school dropout of common school age shall be entitled to reenter the common school system at the grade level appropriate to such individual's ability and, in the case of a high school student, with the credits previously earned toward graduation.

[Statutory Authority: RCW 28A.97.030, 84-05-026 (Order 84-5), § 392-184-015, filed 2/14/84.]

WAC 392-184-020 Reentry to common schools—Education center student. A common school dropout of common school age who has attended a certified education center shall be entitled to reenroll in the common school system. In addition, any such student shall be entitled to be placed at the class level in which he or she would have been but for having dropped out and to graduate with the class, notwithstanding any loss of credits prior to reentry, if each of the following conditions is met:

(1) The student has attended a certificated education center for no less than ninety, sixty minute instructional hours;

(2) The student has reenrolled in the common school system no later than the commencement of the next regular school year semester or trimester, as the case may be, following his or her last day of attendance at a certified education center;

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(3) The student possesses the ability to perform academically at a passing level at the grade level of placement as determined pursuant to WAC 392-184-025;

(4) The student has earned credits following his or her reentry at the normal rate;

(5) The student has been enrolled at least two of the three grades nine through eleven at a common school or approved private school, or a combination of both; and

(6) The student has commenced and satisfactorily completed his or her last full school year immediately preceding high school graduation at a public high school, or a combination of public high schools.

[Statutory Authority: RCW 28A.205.101 - [28A.205.]090, 93-23-037 (Order 93-23), § 392-184-020, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.030, 84-05-026 (Order 84-5), § 392-184-020, filed 2/14/84.]

WAC 392-184-025 Determination of grade level upon reentry—Education center student. The determination pursuant to WAC 392-184-020 of a student's level of academic ability and grade level of placement at the time of a former education center student's reentry shall be made by the principal of the common school of enrollment or such other school district authority as may be designated pursuant to school district policy. Such determination shall be made by the principal or other designated official only after consultation with one or more representatives of the education center which the student last attended and shall be based exclusively upon the principal's or other designated official's professional judgment of the following:

(1) The recommendations of the clinic representative(s);
(2) The student's performance while enrolled in the center; and

(3) The student's academic ability as documented by the results of standardized tests recently administered by the center or school district, or both.

[Statutory Authority: RCW 28A.205.101 - [28A.205.]090, 93-23-037 (Order 93-23), § 392-184-025, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.030, 84-05-026 (Order 84-5), § 392-184-025, filed 2/14/84.]

Chapter 392-185 WAC**CERTIFIED EDUCATIONAL CLINICS—
DISTRIBUTION OF STATE FUNDS****WAC**

392-185-003	Authority.
392-185-005	Purpose.
392-185-010	Definitions.
392-185-020	Application for funding.
392-185-030	Reimbursement eligibility—Contracts.
392-185-040	Initial diagnostic procedure—Fees and records.
392-185-050	Instruction—Fees.
392-185-060	Fees—Payment and procedures.
392-185-070	Fee revisions.
392-185-080	Fee revision—Appeal procedure.
392-185-090	Enrollment and absences.
392-185-100	Tuition—Limitations.
392-185-110	On-site monitoring.
392-185-120	State audit review.
392-185-130	Fund reallocation.
392-185-150	Eligibility to take the general educational development (GED) tests.
392-185-305	Purpose.
392-185-310	Definitions.
392-185-320	Criteria for certification of education centers.

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392-185-330	Application procedures for certification as an education center.
392-185-340	Length of certification.
392-185-350	Withdrawal of certification as an education center.
392-185-360	Fee revision—Appeal procedure.
392-185-370	Additional rules.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-185-140	Return to regular school program. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-140, filed 2/6/78, effective 3/9/78.] Repealed by 84-05-016 (Order 84-3), filed 2/9/84. Statutory Authority: RCW 28A.97.050.
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WAC 392-185-003 Authority. The authority for this chapter is RCW 28A.205.050 which authorizes the superintendent of public instruction to adopt rules and regulations to carry out the purpose of chapter 28A.205 RCW, the operation and funding of education centers. (The certification or approval of education centers is the responsibility of the state board of education. See chapter 180-95 WAC.)

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-003, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050. 84-05-016 (Order 84-3), § 392-185-003, filed 2/9/84.]

WAC 392-185-005 Purpose. The purpose of this chapter is to establish the policies and procedures necessary to distribute funds to certified education centers as provided in chapter 28A.205 RCW.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-005, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050. 84-05-016 (Order 84-3), § 392-185-005, filed 2/9/84. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-005, filed 2/6/78, effective 3/9/78.]

WAC 392-185-010 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, "education center," "basic academic skills," "a clinical-client centered basis," "individual diagnostic procedures," "general educational development tests," "educational gains," and "employment orientation," as defined in WAC 180-95-010 as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) An "eligible common school dropout" shall mean a person who (a) has not completed high school; (b) has reached his or her thirteenth birthday and not attained his or her twentieth birthday; (c) does not show proficiency beyond the high school level in a test approved by the superintendent of public instruction which has been given as a part of the initial diagnostic procedure; and (d) has dropped out of a common school for at least one month and written verification is received from a school official of the common school last attended stating that such person is no longer in attendance at such school unless (i) the board of directors or its designee submits a written request that such person be admitted, or (ii) the person has been expelled or suspended pursuant to chapter 180-40 WAC. The fact that any person may be subject to the compulsory attendance law, chapter 28A.225 RCW, shall

not affect his or her qualifications as an eligible common school dropout under this chapter.

In addition, to qualify as an "eligible common school dropout" a child must have on file with the appropriate certified education center a written waiver allowing the superintendent of public instruction to examine his or her records at the certified educational clinic at any time and for purposes consistent with the intent of this chapter and chapter 180-95 WAC.

(3) "Class size" is defined to be that number of students assigned to a single certificated teacher during the period of time for which reimbursement is requested regardless of whether or not the students are working on similar courses, subjects, or activities.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-010, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050. 79-12-004 (Order 8-79), § 392-185-010, filed 11/9/79. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-010, filed 2/6/78, effective 3/9/78.]

WAC 392-185-020 Application for funding. Any certified education center shall be eligible to apply for state reimbursement for costs pursuant to WAC 392-185-040 and 392-185-050 incurred in diagnostic screening of and/or instructional activities provided to eligible common school dropouts. Such applications shall be prepared in accordance with guidelines provided by the superintendent of public instruction. Neither certification of an education center nor completion of required application materials shall guarantee receipt of funds.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-020, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-020, filed 2/6/78, effective 3/9/78.]

WAC 392-185-030 Reimbursement eligibility—Contracts. The superintendent of public instruction shall provide reimbursement pursuant to contractual agreements with certified centers. Contracts may be awarded by the superintendent of public instruction to private educational institutions which (1) are certified as education centers by the state board of education pursuant to chapter 180-95 WAC, (2) are nonsectarian, (3) are financially sound pursuant to WAC 180-95-020(8), (4) are capable of fulfilling their educational commitment and (5) demonstrate past superior performance. Superior performance shall be based upon consideration of individual educational gains achieved by students, the backgrounds of those students, and the cost effectiveness of the center's program, as follows:

(a) Educational gains shall be evaluated by considering:

(1) Measured increases in academic achievement as determined by instruments approved by the superintendent of public instruction, and

(2) The student's subsequent participation in constructive activities, such as enrollment in a common or private school, employment, attendance at an institution of higher or vocational education, or military service.

(b) In evaluating educational gains, consideration shall be given to those factors in each student's background which

might tend to reduce the cost effectiveness of those educational gains.

(c) In determining cost effectiveness of any education center, the cost of services provided to students shall be computed by taking into consideration the reasonable value of all sources of support which are used in whole or in part, directly or indirectly, to provide services to students, including payments made under this chapter, and for nonprofit centers, tax exemptions and any other costs to taxpayers at any level of government which result from such nonprofit status.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-030, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-030, filed 2/6/78, effective 3/9/78.]

WAC 392-185-040 Initial diagnostic procedure—Fees and records. (1) For each initial diagnosis completed for an eligible student applicant, a certified education center, consistent with the terms of its contract with the superintendent of public instruction, shall be entitled to a fee of not more than fifty dollars per eligible student: Provided, That the administration of any general education development test shall not be a part of such initial diagnostic procedures.

(2) A written record of the initial diagnostic process for each student served shall be available. This record shall include, but not be limited to: (a) A transcript of the student's previous academic history when available; (b) a description of the assessment processes used to determine ability, achievement, interest and aptitudes; (c) a summary of all diagnostic findings; and (d) a listing of the specific instructional objectives and program placement recommendations.

(3) The records of each student shall be signed and dated by the qualified person(s) conducting the diagnosis and making program recommendations.

(4) The records shall be completed prior to student admission to education center classes for which state reimbursement for costs is sought under this chapter.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-040, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050. 79-12-004 (Order 8-79), § 392-185-040, filed 11/9/79. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-040, filed 2/6/78, effective 3/9/78.]

WAC 392-185-050 Instruction—Fees. The fees paid for each 60 minute hour of instruction shall be as follows:

(1) Sixteen dollars per hour per enrollee if the class size is no greater than one; or

(2) Ten dollars per hour per enrollee if the class size is at least two and no greater than five; or

(3) Five dollars per hour per enrollee if the class size is at least six. Revisions in such fees proposed by an education center shall be allowed pursuant to WAC 392-185-070.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-050, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-050, filed 2/6/78, effective 3/9/78.]

WAC 392-185-060 Fees—Payment and procedures. Consistent with the provisions of chapter 28A.205 RCW as enacted or hereafter amended, fee reimbursements made to

certified education centers shall be made in accordance with the following:

(1) There shall be no reimbursement prior to the actual delivery of services.

(2) Payments related to diagnostic procedures and course activities shall be made from available funds first to those clinics which demonstrate superior performance in the judgment of the superintendent of public instruction in accordance with WAC 392-185-030.

(3) No certified education center shall be entitled to receive payment for any student's course work undertaken prior to the completion of the initial diagnostic procedure.

(4) Upon submission of vouchers, the superintendent of public instruction shall reimburse certified education centers under contract for services provided to identified, eligible common school dropouts on the basis of records of diagnostic and instructional services rendered.

(5) Vouchers shall include the following:

(a) A roster of names of students;

(b) Diagnostic fees; and

(c) Fees for instruction based upon class sizes, subject areas and other pertinent data to allow for computation of reimbursement: Provided, That in the event of changes in class size, vouchers shall reflect appropriate changes and documentation shall appear in the records of the education center: Provided further, That this information is submitted on voucher claim forms as provided by the superintendent of public instruction in accordance with written instructions.

(6) After a student has attended an education center, for all or a portion of one hundred thirty-five instructional days, no further reimbursement fees shall be paid by the superintendent of public instruction for that student.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-060, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-060, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050. 87-16-034 (Order 87-8), § 392-185-060, filed 7/27/87. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-060, filed 2/6/78, effective 3/9/78.]

WAC 392-185-070 Fee revisions. A certified education center may submit a written request for fee revision to the superintendent of public instruction. A proposed fee revision must be accompanied by documentation supporting the need for the fee revision, including documentation of increased employee costs, increased non-employee related costs, and must include or be supplemented by such other information as the superintendent of public instruction may request.

The superintendent of public instruction may allow fee revisions if he or she finds that the proposed fee revision is reasonable. The superintendent of public instruction shall notify the center of approval or disapproval of such request within 30 days of receipt of the request: Provided, That no revision of fees shall be allowed during a contract period which shall not exceed one year from date of execution.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-070, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-070, filed 2/6/78, effective 3/9/78.]

WAC 392-185-080 Fee revision—Appeal procedure.

A decision of the superintendent of public instruction to deny a request for fee revision may be appealed by a certified education center to the state board of education. The notification of appeal must be filed with the secretary of the state board of education within 15 days following the date of the superintendent's decision. The appeal will be conducted pursuant to WAC 180-95-060.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-080, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-080, filed 2/6/78, effective 3/9/78.]

WAC 392-185-090 Enrollment and absences. Student records shall include entry and withdrawal dates. No reimbursement shall be made for students who are absent: Provided, That students may be reenrolled at any time.

[Statutory Authority: RCW 28A.97.050. 79-12-004 (Order 8-79), § 392-185-090, filed 11/9/79. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-090, filed 2/6/78, effective 3/9/78.]

WAC 392-185-100 Tuition—Limitations. No certified education center shall make any charge to any student or his or her parent, guardian, or custodian for whom a fee is being received under the provisions of chapter 28A.205 RCW and this chapter.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-100, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-100, filed 2/6/78, effective 3/9/78.]

WAC 392-185-110 On-site monitoring. The instructional program activities and procedures and records of students for whom fees are paid shall be monitored on-site on a schedule established by the superintendent of public instruction.

[Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-110, filed 2/6/78, effective 3/9/78.]

WAC 392-185-120 State audit review. Any certified education center under contract with the superintendent of public instruction pursuant to chapter 28A.205 RCW and this chapter shall permit, without prior notice, a review of its records by the state auditor and/or the superintendent of public instruction during normal business hours.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-120, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-120, filed 2/6/78, effective 3/9/78.]

WAC 392-185-130 Fund reallocation. Any fund balances remaining in a contract which is not fully performed shall revert to the original fund for reallocation by the superintendent of public instruction.

[Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-130, filed 2/6/78, effective 3/9/78.]

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WAC 392-185-150 Eligibility to take the general educational development (GED) tests. Any student of a certified education center, upon completion of an individual student program, shall be eligible to take the general educational development (GED) tests at an authorized testing center as defined in WAC 180-95-010(5).

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-150, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-150, filed 2/6/78, effective 3/9/78.]

WAC 392-185-305 Purpose. The purpose of this chapter is to implement RCW 28A.205.010, 28A.205.020, 28A.205.030, 28A.205.040, 28A.205.050 and to establish the criteria and procedures to be used in certification of an education center.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-185-305, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.205.050 and 1993 c 211. 95-08-029, § 180-95-005, filed 3/29/95, effective 4/29/95. Statutory Authority: 1990 c 33. 90-17-009, § 180-95-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120. 78-03-014 (Order 2-78), § 180-95-005, filed 2/8/78.]

WAC 392-185-310 Definitions. The following definitions shall apply to terms used in this chapter:

(1) "Education center" shall mean a private educational institution certified by the state board of education which employs a clinical, client-centered approach and is devoted to (a) teaching the basic academic skills including specific attention to improvement of student motivation for achieving and (b) employment orientation: Provided, That no education center certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050, or proprietary school under chapter 18.82 RCW.

(2) "Basic academic skills" shall mean the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and courses deemed nonessential to the accrediting of common schools or the approval of private schools under RCW 28A.305.130.

(3) "A clinical, client-centered basis" shall mean an approach to education which includes the individual diagnosis of the person's educational abilities, determining and setting of individual goals, prescribing and providing individual programs of instruction, and evaluating the individual student's progress in his or her educational program.

(4) "Individual diagnostic procedure" shall mean the individual assessment by a certified teacher, or when deemed necessary, by a psychometrist, psychologist, and/or another professional who is appropriately certificated or licensed to conduct specific diagnostic evaluations and to prescribe an individual educational and instructional program in conjunction with the teacher, student, parents, and others as necessary.

(5) "General educational development (GED) tests" shall mean that battery of tests designed and published by the GED testing service of the American council on education to measure the major outcomes and concepts generally associated with four years of high school education. Each GED testing center must have a current contract with the American coun-

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cil on education and be authorized by the state superintendent of public instruction.

(6) "Educational gain" shall mean (a) measurable increases in the student's achievement, (b) increased motivation for achieving, and/or (c) increased knowledge and skills relevant to employment orientation as defined in (8) below: Provided, That consideration is given to the student's background in determining the extent of such gain.

(7) "Eligible common school dropout" shall be defined as set forth in WAC 392-185-010(2).

(8) "Employment orientation" shall normally include, but not be restricted to instruction and practical experience in the following areas: Job applications, interview techniques, expectations for attendance and production, learning to translate skills and abilities in terms of job needs, examination by the student of job descriptions and exploration of the student's ability to fulfill the job needs.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-185-310, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.410.010. 94-03-103 (Order 4-94), § 180-95-010, filed 1/19/94, effective 2/19/94. Statutory Authority: 1990 c 33, 90-17-009, § 180-95-010, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120. 78-03-014 (Order 2-78), § 180-95-010, filed 2/8/78.]

WAC 392-185-320 Criteria for certification of education centers. To be certified as an education center, a private educational institution must apply to the state board of education and provide evidence that it:

(1) Qualifies under the definition set forth in WAC 180-95-010(1).

(2) Offers instruction in the basic academic skills as defined in WAC 180-95-010(2) and employment orientation as defined in WAC 180-95-010(8).

(3) Employs, for purposes of diagnosing and instructing students, professionally trained personnel who meet requirements for certification set forth in chapters 180-80 and/or 180-84 WAC: Provided, That for specific diagnostic evaluations, a professional who is otherwise appropriately licensed does not have to meet certification requirements.

(4) Operates on a clinical, client-centered basis as defined in WAC 180-95-010(3).

(5) Conducts individualized diagnosis and instruction which includes as a minimum:

(a) Consideration by qualified personnel of the student's achievement, abilities, interests, and aptitudes;

(b) Delineation of individual learning objectives and education and/or employment goals;

(c) Development and implementation of curriculum and instruction appropriate to diagnosed needs and specified objectives and goals;

(d) Provision for evaluation of the student's progress toward and attainment of learning objectives and education and/or employment goals.

(6) Produces educational gains in students which relate directly to the individual learning objectives and educational and/or employment goals established for the student.

(7) Maintains accurate and complete financial and personnel records.

(8) Is financially sound and capable of fulfilling its educational commitment, i.e., that it has definite and certain resources to meet its current obligations.

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[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-185-320, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.410.010. 94-03-103 (Order 4-94), § 180-95-020, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.04.120. 78-03-014 (Order 2-78), § 180-95-020, filed 2/8/78.]

WAC 392-185-330 Application procedures for certification as an education center. A private educational institution shall apply for certification to the state board of education on a form provided by the state board of education. The state board of education or its designee(s) shall determine by on-site visitation and documentary evidence submitted by the applicant whether all criteria set forth in WAC 180-95-020 are satisfied. The state board of education shall notify the applicant institution of its certification status within ten weeks after the date state board of education receives a completed application.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-185-330, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.410.010. 94-03-103 (Order 4-94), § 180-95-030, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.04.120. 78-03-014 (Order 2-78), § 180-95-030, filed 2/8/78.]

WAC 392-185-340 Length of certification. A private educational institution shall be certified as an education center by the state board of education for no more than three years and shall report annually any changes relevant to certification criteria set forth in WAC 180-95-020 to the state board of education on a form provided by the state board of education.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-185-440, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.410.010. 94-03-103 (Order 4-94), § 180-95-040, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.04.120. 78-03-014 (Order 2-78), § 180-95-040, filed 2/8/78.]

WAC 392-185-350 Withdrawal of certification as an education center. The state board of education may withdraw certification if the board finds that a center fails:

(1) To provide adequate instruction in basic academic skills which shall mean:

(a) The center does not offer or make provision for instruction in all the basic skills defined in WAC 180-95-010(2), or

(b) Evidence/data do not verify educational gains which relate directly to the individual learning objectives and the educational and/or employment goals established, or

(c) The center does not provide opportunities for employment orientation.

(2) To meet any of the criteria for certification of education centers as established in WAC 180-95-020.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-185-350, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.205.050 and 1993 c 211, 95-08-029, § 180-95-050, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.410.010. 94-03-103 (Order 4-94), § 180-95-050, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.04.120. 78-03-014 (Order 2-78), § 180-95-050, filed 2/8/78.]

WAC 392-185-360 Fee revision—Appeal procedure. The state board of education shall either grant or deny proposed fee revisions no later than its second regularly scheduled meeting after receipt of notification of such appeal and shall conduct such an appeal as follows:

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(1) The time and place for filing an appeal from the decision of the superintendent of public instruction to deny a requested fee revision shall be as stated in WAC 392-185-080.

(2) The decision on appeal will be based solely on the record. The record will consist of (a) the documentation in support of the increase submitted by the certified education center to the superintendent of public instruction, (b) a statement by the superintendent of public instruction setting forth the reasons the fee revision was denied, (c) any other information or documentation the state board of education may request, and (d) the additional documentation (if any) that the certified education center may submit in rebuttal of the superintendent of public instruction's statement.

(3) The decision of the state board of education shall be final. The decision of the state board of education may not be appealed to superior court.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-185-360, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.410.010, 94-03-103 (Order 4-94), § 180-95-060, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.04.120, 78-03-014 (Order 2-78), § 180-95-060, filed 2/8/78.]

WAC 392-185-370 Additional rules. See also rules of the superintendent of public instruction at chapter 392-185 WAC which govern the certification of education centers, and rules of the state board for community and technical colleges at chapter 131-48 WAC which govern GED testing and certificates of educational competence.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-185-370, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.205.050 and 1993 c 211, 95-08-029, § 180-95-070, filed 3/29/95, effective 4/29/95.]

Chapter 392-190 WAC

EQUAL EDUCATIONAL OPPORTUNITY—SEX DISCRIMINATION PROHIBITED

WAC

392-190-005	Purpose—Elimination of sex discrimination.
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392-190-020	Inservice training—Sex bias awareness.
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392-190-075	Compliance—Contested case—Duty of the superintendent of public instruction.
392-190-080	Compliance—Violations—Permissible sanctions.

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WAC 392-190-005 Purpose—Elimination of sex discrimination. The purpose of this chapter is to establish rules and regulations which implement chapter 28A.640 RCW. The referenced enactment prohibits discrimination on the basis of sex in grades K-12 of the Washington public schools. Broad federal regulations implementing Title IX of the Education Amendments of 1972 similarly prohibit sex discrimination in federally-assisted education programs or activities. As a result, several substantive areas have been similarly identified and addressed by both state and federal enactments.

It is the intent of this chapter to encompass those similar substantive areas addressed by the Title IX regulations and in some aspects extend beyond the Title IX regulations. Accordingly, compliance with this chapter should constitute compliance with those similar substantive areas treated in the Title IX regulations, but school districts should be aware that compliance with the Title IX regulations alone may not constitute compliance with this chapter.

Although chapter 28A.640 RCW and the balance of this chapter prohibit sex discrimination in grades K-12 only, the superintendent of public instruction hereby declares pursuant to the authority vested in the superintendent by Article 3, section 22 of the state Constitution that it shall be unlawful for any public school district to discriminate on the basis of sex with regard to any activity conducted by or in behalf of a school district including, but not limited to, preschool, adult education, community education and vocational-technical program activities.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-190-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-190-005, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-005, filed 5/17/76.]

WAC 392-190-010 Counseling and guidance services—Career opportunities—Internal procedures.

(1) No school district shall engage in discrimination against any person on the basis of sex in the counseling or guidance of students in grades K-12.

(2) Each school district shall devise and use materials, orientation programs, and counseling techniques that will encourage participation in all school programs and courses of study based on factors other than sex and that encourage students to explore subjects and activities not heretofore traditional for their sex.

(3) Each school district which uses testing and other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless (a) such different materials cover the same occupations and interest areas and (b) the use of such different materials is demonstrated to be essential to eliminate sex bias.

(4) Each school district shall develop and use internal procedures for ensuring that all tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement do not discriminate on the basis of sex: Provided, That where the use of such instruments or materials or such programs or activities results in a substantially disproportionate number of members of one sex in any particu-

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lar course of study or classification, the school district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination in the program or activity or in the instrument or material or its application: Provided further, That where a school district finds that a particular class contains a substantially disproportionate number of individuals of one sex, the district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement or by counselors.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-010, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-010, filed 7/9/80; Order 6-76, § 392-190-010, filed 5/17/76.]

WAC 392-190-015 Counseling and guidance—Duty of certificated and classroom personnel—Coordination of effort. (1) All certificated and classroom personnel shall encourage students to explore and develop their individual interests in career and vocational technical programs and employment opportunities without regard to sex, including reasonable efforts encouraging students to consider and explore "nontraditional" occupations for men and women: Provided, That all certificated and classroom personnel within each local school district shall have access to an educational staff associate (ESA) certificated school counselor(s) or such other appropriate person(s), designated by the school district superintendent to coordinate compliance with the requirements of this section.

(2) All certificated and classroom personnel shall comply fully and immediately with the requirements of this section. The superintendent of each school district shall make the designation(s) required by this section immediately.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-015, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-015, filed 5/17/76.]

WAC 392-190-020 Inservice training—Sex bias awareness. Each school district should include sex bias awareness and sex bias elimination training sessions in such inservice training programs as are conducted or provided for certificated and/or classroom personnel.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-020, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-020, filed 5/17/76.]

WAC 392-190-025 Recreational and athletic activities—Equal opportunity—Separate teams. (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club or intramural athletics or recreational activity offered by a school district, and no school district shall provide any such athletics or recreational activity separately on such basis. Sports teams and programs offered by a school district shall, regardless of their nature, be equally open to participation by qualified members of both sexes: Provided, That in the case of sports and recreational activities offered

for students in grades 7 through 12, a school district may maintain separate teams for members of each sex if (a) it can clearly be shown, under the factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice and (b) at the same time, a test of substantial equality between the two programs can be found to have been met.

(2) For the purpose of this section and WAC 392-190-050(2) "substantial equality" shall be determined by considering factors including but not limited to the following:

- (a) The relationship between the skill and compensation of coaching staffs;
- (b) The size of their budgets;
- (c) The quality of competition and game schedules;
- (d) Uniforms;
- (e) Equipment and facilities; and
- (f) Sufficient numbers of participants to warrant separate teams.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-025, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-025, filed 5/17/76.]

WAC 392-190-030 General—Recreational and athletic activities—Equal opportunity factors considered. Each school district shall evaluate its recreational and athletic program at least once each year to ensure that equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics which are operated, sponsored, or otherwise provided by the school district.

In determining whether equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics, each school district conducting an evaluation required by this section, and the office of superintendent of public instruction upon receipt of a complaint pursuant to WAC 392-190-075, shall consider several factors, including but not limited to the following where provided by a school district:

- (1) Whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes;
- (2) The provision of equipment and supplies;
- (3) The scheduling of games and practice times including the use of playfields, courts, gyms, and pools;
- (4) Transportation and per diem allowances, if any;
- (5) The opportunity to receive coaching and academic tutoring;
- (6) The assignment and compensation of coaches, tutors, and game officials;
- (7) The provision of medical and training facilities and services including the availability of insurance;
- (8) The provision of housing, laundry, and dining facilities and services, if any; and
- (9) Publicity and awards.

Unequal aggregate expenditures within a school district for members of each sex or unequal expenditures for separate male and female teams will not alone constitute noncompliance with this chapter, but the failure to provide the necessary funds for recreational and athletic activities for members of

one sex may be considered in assessing the equality of opportunity for members of each sex.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-030, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-030, filed 5/17/76.]

WAC 392-190-035 Recreational and athletic activities—Compliance timetable—Elementary and secondary level. (1) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the elementary school level (K-6) shall provide equal opportunity and encouragement for physical and skill development to all students in the elementary grades consistent with this chapter.

(2) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the secondary school level (7-12) shall provide equal opportunity and encouragement for physical and skill development to all students in the secondary grades consistent with this chapter.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-035, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-035, filed 7/9/80; Order 6-76, § 392-190-035, filed 5/17/76.]

WAC 392-190-040 Recreational and athletic activities—Student interest—Required survey instrument. (1) The superintendent of public instruction shall develop a survey instrument to assist each school district in the determination of student interest for male/female participation in specific sports.

(2) A survey instrument shall be administered by each school district at all grade levels where interscholastic, intramural and other sports and recreational activities are conducted. The results of the survey shall be considered in the program planning and development in the area of recreational and athletic activities offered within the school district.

(3) A survey instrument developed pursuant to this section shall be administered at least once every three years within each school district: Provided, That the content of the survey instrument may be modified or amended as deemed appropriate to clarify and assist in the evaluation of student interest.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-040, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-040, filed 7/9/80; Order 6-76, § 392-190-040, filed 5/17/76.]

WAC 392-190-045 Recreational and athletic activities—Facilities. A school district which provides athletic facilities for members of one sex including showers, toilets, and training room facilities for athletic purposes shall provide comparable facilities for members of the opposite sex: Provided, That such facilities may be provided as either separate facilities or shall be scheduled and used separately by members of each sex: Provided further, That this section shall not be interpreted to require the construction of additional facilities.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-045, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-045, filed 7/9/80; Order 6-76, § 392-190-045, filed 5/17/76.]

WAC 392-190-050 Course offerings—Generally—Separate sessions or groups permissible. No school district shall provide any course or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including but not limited to health, physical education, industrial arts, business, vocational-technical, and home economics courses: Provided, That this section shall not be construed to prohibit:

(1) The grouping of students in physical education classes and activities by demonstrated ability as assessed by objective standards of individual performance developed and applied without regard to sex: Provided, That where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the school district shall immediately implement appropriate standards which do not have such effect;

(2) The separation of students by sex within physical education classes or activities offered for students in grades 7 through 12 if (a) it can clearly be shown under the factual circumstances involved in the particular case, that the maintenance of a separate physical education class or activity for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in such class or activity and (b) at the same time, a test of substantial equality between the two classes or activities can be found to have been met;

(3) The conduct of separate sessions for boys and girls with respect to those portions of classes which deal exclusively with human sexuality; and

(4) The conduct of classes and/or activities within which a school district may establish or maintain requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-050, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-050, filed 7/9/80; Order 6-76, § 392-190-050, filed 5/17/76.]

WAC 392-190-055 Textbooks and instructional materials—Scope—Elimination of sex bias—Compliance timetable. (1) It is the intent of this section to eliminate sex bias in connection with any form of instruction provided by a school district.

(2) The instructional materials policy of each school district required by RCW 28A.320.230 shall incorporate therein, as part of the selection criteria, a specific statement requiring the elimination of sex bias in all textbooks and instructional materials including reference materials and audio-visual materials.

(3) The instructional materials committee of each school district shall establish and maintain appropriate screening criteria designed to identify and eliminate sex bias in all textbooks and instructional materials including reference materials and audio-visual materials: Provided, That such selection criteria shall be consistent with the selection criteria endorsed by the state board of education dated December 6, 1974, WAC 180-48-010, as now or hereafter amended, and WAC 180-46-005 through 180-46-060, as now or hereafter amended. One of the aids to identification of sex bias in instructional materials consists of the *Washington Models for*

the Evaluation of Bias Content in Instructional Materials published by the superintendent of public instruction.

(4) In recognition of the fact that current instructional materials which contain sex bias may not be replaced immediately, each school district should acquire supplemental instructional materials or aids to be used concurrent with existing materials for the purpose of countering the sex bias content thereof.

(5) Nothing in this section is intended to prohibit the use or assignment of supplemental instructional materials such as classic and contemporary literary works, periodicals and technical journals which, although they contain sex bias, are educationally necessary or advisable.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-190-055, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-190-055, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050, 80-09-017 (Order 80-26), § 392-190-055, filed 7/9/80; Order 6-76, § 392-190-055, filed 5/17/76.]

WAC 392-190-056 Sexual harassment—Definitions.

(1) As used in this chapter, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

(a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(c) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

(2) For the purpose of this definition, sexual harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female.

Note: School districts must be guided by federal and state case law in their interpretation of sexual harassment complaints and will need to determine sexual harassment on a case-by-case basis.

[Statutory Authority: 1994 c 213, 94-23-043 (Order 94-14), § 392-190-056, filed 11/10/94, effective 12/11/94.]

WAC 392-190-057 Sexual harassment policy—Adoption date—Required criteria. In order to eliminate sexual harassment in connection with any responsibility, function or activity within the jurisdiction of a school district, a sexual harassment policy shall be adopted and implemented by each district no later than June 30, 1995. This policy shall apply to all school district employees, volunteers, parents, and students, including but not limited to, conduct between students. This policy shall incorporate the following criteria:

(1) Definitions consistent with the categories in RCW 28A.640.020 (2)(f);

(2) District and staff responsibilities;

(3) Informal grievance procedures;

(4) Grievance procedures consistent with WAC 392-190-065 through 392-190-075 of this chapter;

(5) Investigative procedures and reasonable and prompt timelines;

(6) Remedies available to victims of sexual harassment;

(7) Disciplinary actions against violators which must conform with collective bargaining agreements and state and federal laws;

(8) Reprisal, retaliation and false accusations prohibition;

(9) Dissemination and implementation; and

(10) Internal review.

[Statutory Authority: 1994 c 213, 94-23-043 (Order 94-14), § 392-190-057, filed 11/10/94, effective 12/11/94.]

WAC 392-190-058 Sexual harassment—Procedures.

(1) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under WAC 392-190-057 as part of the monitoring process established in RCW 28A.640.030. The superintendent of public instruction shall supply upon request sample sexual harassment policies to school districts.

(2) The school district's sexual harassment policy shall be easily understood and conspicuously posted throughout each school building, and provided to each employee, volunteer and student.

(3) Reasonable efforts shall be made to inform all students and their parents about the district's sexual harassment policy and procedures.

(4) A copy of the policy shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district.

(5) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

[Statutory Authority: 1994 c 213, 94-23-043 (Order 94-14), § 392-190-058, filed 11/10/94, effective 12/11/94.]

WAC 392-190-060 Compliance—Local school district—Designation of responsible employee—Notification.

(1) The superintendent of each school district shall immediately designate at least one employee who shall be responsible directly to the superintendent for monitoring and coordinating the district's compliance with this chapter. The employee designated pursuant to this section shall also be charged with the responsibility to investigate any complaint(s) communicated to the school district pursuant to WAC 392-190-065.

(2) Each school district shall, once each year or more often as deemed necessary, publish notice in a manner which is reasonably calculated to inform all students, students' parents, and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this section and the appeal procedure set forth in WAC 392-190-065, 392-190-070 and 392-190-075 as now or hereafter amended.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-060, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-060, filed 5/17/76.]

WAC 392-190-065 Compliance—Complaint procedure—District superintendent. (1) Upon receipt of a complaint by a school district in the manner herein described, the employee or employees designated pursuant to WAC 392-190-060 shall investigate the allegations set forth and shall institute such other reasonable procedures to effect a prompt resolution of the complaint: Provided, That each complaint communicated to the school district shall be (a) written, (b) signed by the complaining party, and (c) set forth specific acts, conditions, or circumstances alleged to be violative of this chapter or the specific acts, conditions, or circumstances that would be prohibited by this chapter.

(2) Upon completion of the investigation required by this section in connection with a complaint communicated to the school district, the designated employee or employees shall provide the district superintendent with a full written report of the complaint and the results of the investigation. The district superintendent shall respond in writing to the complaining party as expeditiously as possible but in no event later than thirty calendar days following receipt of such complaint by the school district.

(3) The response of the school district superintendent required by this section shall clearly state either (a) that the school district denies the allegations contained in the complaint received pursuant to this section, or (b) the nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district: Provided, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the school district superintendent's mailing of a written response to the complaining party required by this section.

(4) The complaint procedure required by this section shall not prohibit the processing of grievances by an employee bargaining representative and/or a member of a bargaining unit pursuant to grievance procedures established at the school district level by local bargaining agreement.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-065, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-065, filed 5/17/76.]

WAC 392-190-070 Compliance—Appeal procedure—Local school board. (1) In the event a complainant remains aggrieved as a result of the action or inaction of the superintendent in resolving a complaint as provided in WAC 392-190-065, said complainant may appeal to the school district board of directors by filing a written notice of appeal with the secretary of the school board on or before the tenth day following (a) the date upon which the complainant received the superintendent's response or (b) the expiration of the thirty day response period provided by WAC 392-190-065, whichever occurs first.

(2) An appeal to the board of directors pursuant to this section shall require the board of directors to schedule a hearing to commence on or before the twentieth day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board

deems relevant and material. The board of directors shall render a written decision on or before the tenth day following the termination of the hearing, and shall provide a copy to all parties involved.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-070, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-070, filed 5/17/76.]

WAC 392-190-075 Compliance—Contested case—Duty of the superintendent of public instruction. (1) In the event a complainant remains aggrieved with the decision of a school district board of directors rendered pursuant to WAC 392-190-070, the complainant may appeal the board's decision to the superintendent of public instruction. Upon the receipt of a notice of appeal filed in compliance with this section, the superintendent of public instruction shall schedule a hearing to commence on or before the fortieth day thereafter.

(2) A notice of appeal must be received by the superintendent on or before the tenth day following the date upon which the complainant received written notice of the school board's decision. Furthermore, the notice must be in writing and must set forth (a) a concise statement of the portion or portions of the school board's decision which is appealed from, and (b) the relief requested by the complainant/appellant.

(3) Appeals to the superintendent shall be conducted de novo pursuant to the state Administrative Procedure Act (chapter 34.04 RCW). The complainant/appellant shall have the responsibility for prosecuting his or her case and the school district/respondent shall have the duty of defending the decision or portion thereof appealed.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-075, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-075, filed 7/9/80; Order 6-76, § 392-190-075, filed 5/17/76.]

WAC 392-190-080 Compliance—Violations—Permissible sanctions. In the event a school district is found to be in violation of the requirements of this chapter, the superintendent of public instruction may, by appropriate order pursuant to chapter 34.04 RCW, impose an appropriate sanction or institute appropriate corrective measures, including but not limited to (a) the termination of all or part of state apportionment or categorical moneys to the offending school district, (b) the termination of specified programs wherein such violation or violations are found to be flagrant in nature, (c) the institution of a mandatory affirmative action program within the offending school district, and (d) the placement of the offending school district on probation with appropriate sanctions until such time as compliance is achieved or is assured, whichever is deemed appropriate in the particular case by the superintendent of public instruction.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-080, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-080, filed 5/17/76.]

Chapter 392-191 WAC**SCHOOL PERSONNEL—EVALUATION OF THE PROFESSIONAL PERFORMANCE CAPABILITIES****WAC**

392-191-001	Authority.
392-191-005	Purpose.
392-191-007	Evaluation requirements.
392-191-010	Minimum evaluation criteria—Certificated classroom teachers.
392-191-020	Minimum evaluation criteria—Certificated support personnel.
392-191-025	Minimum procedural standards—Purposes of evaluation.
392-191-030	Minimum procedural standards—Frequency of evaluation.
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392-191-045	Minimum procedural standards—Use of evaluation results.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-191-060	Professional growth component. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-060, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
392-191-065	Professional growth component—Purpose. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-065, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
392-191-070	Professional growth component—Implementation. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-070, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
392-191-075	Professional growth component—Committee membership. [Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12) § 392-191-075, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-075, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
392-191-080	Professional growth component—Sources of information. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-080, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
392-191-085	Professional growth component—Short form of evaluation. [Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-191-085, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-085, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
392-191-090	Professional growth component—Records. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-090, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
392-191-095	Professional growth component—Timeline. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-095, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.

WAC 392-191-001 Authority. The general authority for this chapter is RCW 28A.405.100 which authorizes the (2007 Ed.)

superintendent of public instruction to adopt minimum criteria for the evaluation by districts of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. This general authority is supplemented by RCW 28A.405.150 which authorizes the superintendent of public instruction to develop minimum procedural standards for evaluation of certificated classroom teachers and certificated support personnel conducted pursuant to RCW 28A.405.100.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-191-001, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-001, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.67.065. 84-20-085 (Order 84-45), § 392-191-001, filed 10/2/84.]

WAC 392-191-005 Purpose. The purpose of this chapter is to establish the minimum criteria and minimum procedural standards to be adopted in accordance with chapter 41.59 RCW by districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-005, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.67.065. 84-20-085 (Order 84-45), § 392-191-005, filed 10/2/84; Order 20-76, § 392-191-005, filed 1/11/77.]

WAC 392-191-007 Evaluation requirements. Local school districts shall establish and implement on or before September 1, 1991, an evaluation program consisting of the following:

- (1) Evaluation criteria meeting the minimum standards specified in WAC 392-191-010 and 392-191-020;
- (2) Evaluation procedures meeting the minimum standards specified in WAC 392-191-025 through 392-191-045;
- (3) Evaluation criteria and procedures as specified in RCW 28A.405.100 and 28A.405.150;
- (4) Additional criteria and procedural standards as may be established pursuant to the bargaining process set forth in chapter 41.59 RCW.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-191-007, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065. 90-22-045 (Order 41), § 392-191-007, filed 11/2/90, effective 12/3/90.]

WAC 392-191-010 Minimum evaluation criteria—Certificated classroom teachers. The following are the minimum criteria for certificated classroom teachers:

- (1) Instructional skill. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in designing and conducting an instructional experience.
- (2) Classroom management. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in organizing the physical and human elements in the educational setting.
- (3) Professional preparation and scholarship. The certificated classroom teacher exhibits, in his or her performance, evidence of having a theoretical background and knowledge of the principles and methods of teaching, and a commitment to education as a profession.
- (4) Effort toward improvement when needed. The certificated classroom teacher demonstrates an awareness of his or

her limitations and strengths, and demonstrates continued professional growth.

(5) The handling of student discipline and attendant problems. The certificated classroom teacher demonstrates the ability to manage the noninstructional, human dynamics in the educational setting.

(6) Interest in teaching pupils. The certificated classroom teacher demonstrates an understanding of and commitment to each pupil, taking into account each individual's unique background and characteristics. The certificated classroom teacher demonstrates enthusiasm for or enjoyment in working with pupils.

(7) Knowledge of subject matter. The teacher demonstrates a depth and breadth of knowledge of theory and content in general education and subject matter specialization(s) appropriate to the elementary and/or secondary level(s).

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-010, filed 1/2/90, effective 2/2/90; Order 20-76, § 392-191-010, filed 1/11/77.]

WAC 392-191-020 Minimum evaluation criteria—Certificated support personnel. The following are the minimum criteria for certificated support personnel:

(1) Knowledge and scholarship in special field. Each certificated support person demonstrates a depth and breadth of knowledge of theory and content in the special field. He/she demonstrates an understanding of and knowledge about common school education and the educational milieu grades K-12, and demonstrates the ability to integrate the area of specialty into the total school milieu.

(2) Specialized skills. Each certificated support person demonstrates in his/her performance a competent level of skill and knowledge in designing and conducting specialized programs of prevention, instruction, remediation and evaluation.

(3) Management of special and technical environment. Each certificated support person demonstrates an acceptable level of performance in managing and organizing the special materials, equipment and environment essential to the specialized programs.

(4) The support person as a professional. Each certificated support person demonstrates awareness of his/her limitations and strengths and demonstrates continued professional growth.

(5) Involvement in assisting pupils, parents, and educational personnel. Each certificated support person demonstrates an acceptable level of performance in offering specialized assistance in identifying those needing specialized programs.

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-020, filed 1/2/90, effective 2/2/90; Order 20-76, § 392-191-020, filed 1/11/77.]

WAC 392-191-025 Minimum procedural standards—Purposes of evaluation. The purposes of evaluations of certificated classroom teachers and certificated support personnel shall be, at a minimum:

(1) To identify in consultation with classroom teachers and certificated support personnel observed, particular areas in which their professional performance is satisfactory or out-

standing, and particular areas in which the classroom teacher or support person needs to improve his or her performance.

(2) To assist classroom teachers and certificated support personnel, who have identified areas needing improvement, in making those improvements.

(3) To identify classroom teachers or certificated support personnel whose professional performance is unsatisfactory and for whom remediation is needed.

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-025, filed 1/2/90, effective 2/2/90.]

WAC 392-191-030 Minimum procedural standards—Frequency of evaluation. Each school year the frequency of evaluation shall be:

(1) All classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties.

(2) At least one observation shall be a minimum of thirty minutes.

(3) New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(4) Total observation time for each employee for each school year shall be not less than sixty minutes: Provided, That after an employee has four years of satisfactory evaluations, a school district may use a short form of evaluation pursuant to RCW 28A.405.100(5).

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-191-030, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065. 90-22-045 (Order 41), § 392-191-030, filed 11/2/90, effective 12/3/90. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-030, filed 1/2/90, effective 2/2/90.]

WAC 392-191-035 Minimum procedural standards—Conduct of the evaluation. The conduct of the evaluation of classroom teachers and certificated support personnel shall include, at a minimum, the following:

(1) Observation and written comment pursuant to RCW 28A.405.100 by the principal or his/her designee at the school to which the certificated employee is assigned.

(2) The opportunity for the employee to attach written comments to his/her evaluation report.

(3) For certificated classroom teachers, the minimum criteria set forth in WAC 392-191-010; and for certificated support personnel the minimum criteria set forth in WAC 392-191-020. Nothing in this chapter shall be construed to prohibit a local school district from developing an evaluation instrument which contains criteria in excess of those established by the superintendent of public instruction.

(4) When appropriate, suggestions for improvement should be part of the principal's or his/her designee's comments.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-191-035, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065. 90-22-045 (Order 41), § 392-191-035, filed 11/2/90, effective 12/3/90. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-035, filed 1/2/90, effective 2/2/90.]

WAC 392-191-040 Minimum procedural standards—Procedures to be used in making evaluations. The following procedures shall be used in making evaluations:

(1) The procedures stipulated in RCW 28A.405.100 shall be used by principals or their designees conducting evaluations of certificated classroom teachers and certificated support personnel.

(2) Following each observation, or series of observations, the principal or his/her designee shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared.

(3) Each classroom teacher and each certificated support person shall have the opportunity for a minimum of two confidential conferences during each school year with his/her principal or principal's designee either following receipt of the written evaluation results, or at a time mutually satisfactory to the participants. The sole purpose of each such conference shall be to provide additional information to aid the principal or his or her designee in evaluating the teacher or certificated support person (e.g., providing direction, assistance, guidance, encouragement to the employee).

(4) If other evaluators are used, additional procedures may be adopted pursuant to local policy.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-191-040, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065. 90-22-045 (Order 41), § 392-191-040, filed 11/2/90, effective 12/3/90. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-040, filed 1/2/90, effective 2/2/90.]

WAC 392-191-045 Minimum procedural standards—Use of evaluation results. Evaluation results shall be used:

(1) To acknowledge, recognize, and encourage excellence in professional performance.

(2) To document the satisfactory performance by an employee of his/her assigned duties.

(3) To identify discrete areas according to the criteria included on the evaluation instrument in which the employee may need improvement.

(4) To document performance by an employee judged unsatisfactory based on the district evaluation criteria.

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-045, filed 1/2/90, effective 2/2/90.]

Chapter 392-192 WAC

PROFESSIONAL DEVELOPMENT PROGRAMS

WAC

392-192-005	Authority.
392-192-010	Definition of terms.
392-192-020	Professional growth component—Purpose.
392-192-030	Professional growth program.
392-192-040	Professional growth program—Committee.
392-192-050	Professional growth program—Sources of information.
392-192-060	Professional growth program—Records.
392-192-070	Professional growth program—Timeline.

WAC 392-192-005 Authority. The authority for these standards is RCW 28A.405.150 which authorizes the superintendent of public instruction to develop minimum procedural standards for evaluation of certificated classroom teachers and certified support personnel conducted pursuant to RCW 28A.405.100.

(2007 Ed.)

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-192-005, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-005, filed 11/2/90, effective 12/3/90.]

WAC 392-192-010 Definition of terms. Professional development programs are a form of personnel evaluation in which the emphasis is on growth and improvement rather than on decisions related to probation, nonrenewal, and discharge.

[Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-010, filed 11/2/90, effective 12/3/90.]

WAC 392-192-020 Professional growth component—Purpose. The purpose of this chapter is to establish procedures to be adopted by districts for the professional development of certificated classroom teachers and certificated support personnel. Professional development procedures shall be used:

(1) To encourage employee self-assessment and goal setting;

(2) To provide opportunities for and encourage sharing among teaching and support staff of personal professional experience and expertise;

(3) To aid employees in planning personal professional growth plans;

(4) To provide opportunities for parents, students, and other interested community members to offer meaningful input to their schools through their observations of instructional effectiveness;

(5) To link identified professional needs with appropriate in-service, staff development, and other appropriate professional growth and instructional improvement opportunities.

[Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-020, filed 11/2/90, effective 12/3/90.]

WAC 392-192-030 Professional growth program. Local school districts shall adopt a professional growth program for certificated classroom teachers and certificated support personnel as specified in Title 392 WAC unless a collective bargaining agreement provides otherwise.

[Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-030, filed 11/2/90, effective 12/3/90.]

WAC 392-192-040 Professional growth program—Committee. Each district shall establish a professional growth committee which shall develop the district's professional growth program in accordance with the procedures in this chapter. The professional growth committee shall include, at a minimum, representatives of the following groups:

(1) Certificated classroom teachers. A minimum of one teacher from the K-8 level and one teacher from the high school level if the local school district provides education services to students K-12.

(2) Certificated support personnel. A minimum of one itinerant staff person, if the school district employs itinerant personnel, and a minimum of one other representative of counseling, assessment, library and/or other certificated support staff, if the school district employs nonitinerant certificated support staff.

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(3) Central office administrators. A minimum of one representative.

(4) Building level administrators. A minimum of one administrator from the K-8 level and one administrator from the high school level if the local school district provides educational services to students K-12.

(5) Additional persons, if the local school district so desires.

(6) Provided, That the local school district committee established under the In-Service Training Act, RCW 28A.415.040, may be used by the school district as the professional growth committee.

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-192-040, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.225, 90-22-046 (Order 42), § 392-192-040, filed 11/2/90, effective 12/3/90.]

WAC 392-192-050 Professional growth program—Sources of information. One or more of the following sources of information shall be used by certificated classroom teachers and certificated support personnel in developing professional growth plans: (1) Peer review and evaluation, (2) input by parents, (3) input by students, (4) personal and/or professional goals, (5) school district goals, (6) building goals, (7) self-assessment, (8) personal academic records, and (9) school district evaluations.

[Statutory Authority: RCW 28A.67.225, 90-22-046 (Order 42), § 392-192-050, filed 11/2/90, effective 12/3/90.]

WAC 392-192-060 Professional growth program—Records. Materials/records/portfolios expressly developed as a result of the individual's participation in the professional growth program shall be the property of the certified staff member participating in the program and shall not be retained in the employee's personnel file or used by the district in its formal evaluation criteria.

[Statutory Authority: RCW 28A.67.225, 90-22-046 (Order 42), § 392-192-060, filed 11/2/90, effective 12/3/90.]

WAC 392-192-070 Professional growth program—Timeline. Districts shall:

(1) Establish a professional growth committee, pursuant to Title 392 WAC during, if not before, the 1990-91 school year.

(2) Adopt a professional growth program in the school district by the 1992-93 school year.

[Statutory Authority: RCW 28A.67.225, 90-22-046 (Order 42), § 392-192-070, filed 11/2/90, effective 12/3/90.]

Chapter 392-195 WAC

SCHOOL PERSONNEL—IN-SERVICE TRAINING PROGRAM

WAC

392-195-003	Authority.
392-195-005	Purpose.
392-195-010	Definitions.
392-195-015	Application to SPI for funding.
392-195-020	Allocation of funds by SPI.
392-195-025	Program reports to SPI.

WAC 392-195-003 Authority. The authority for this chapter is RCW 28A.415.040 which authorizes the superintendent of public instruction to adopt rules and regulations for the allocation of funds to common school districts and educational service districts for in-service training programs for certificated and classified personnel.

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tendent of public instruction to adopt rules and regulations for the allocation of funds to common school districts and educational service districts for in-service training programs for certificated and classified personnel.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-195-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.71.210, 84-20-084 (Order 84-44), § 392-195-003, filed 10/2/84.]

WAC 392-195-005 Purpose. The purpose of this chapter is to set forth policies and procedures for the allocation of state funds to school districts and educational service districts for in-service training programs.

[Statutory Authority: RCW 28A.71.210, 84-20-084 (Order 84-44), § 392-195-005, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-005, filed 9/6/78.]

WAC 392-195-010 Definitions. As used in this chapter:

(1) "Applicants" shall mean common school districts and educational service districts.

(2) "In-service training" shall mean a cooperatively planned program of training for job-related activities designed to increase the competencies of common school certificated and classified employees in the performance of their assigned responsibilities.

(3) "Needs assessment" shall mean a systematic study to determine strengths and weaknesses of certificated and classified personnel related to the educational needs of the community and students to be served.

(4) "Funds" shall mean those funds appropriated by the legislature and available for the conduct and evaluation of in-service training programs.

[Statutory Authority: RCW 28A.71.210, 88-03-006 (Order 88-5), § 392-195-010, filed 1/8/88; 84-20-084 (Order 84-44), § 392-195-010, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-010, filed 9/6/78.]

WAC 392-195-015 Application to SPI for funding. Applicants shall request funds from the superintendent of public instruction in accordance with the provisions set forth below:

(1) Applicants shall conduct a needs assessment.

(2) The board of an applicant shall appoint an advisory in-service training task force of members comprised of representatives from administrators, building principals, teachers, classified and support personnel employed by the applicant, an institution of higher education, and the general public in such numbers as shall be established by the applicant board of directors.

(3) The applicant shall establish written goals and objectives, identify training activities relevant thereto and design evaluation procedures and criteria which assess the degree and level of attainment of the goals and objectives.

(4) The task force shall participate in identifying the in-service training needs and goals pursuant to this chapter and suggest changes, if any, in direction, focus, or evaluation methods. No application will be accepted which is not approved by a majority vote of the task force.

(5) Nonpublic school personnel may be invited to participate in continuing professional development activities by the applicant.

(6) The applicant shall demonstrate with a signed statement of assurance to the superintendent of public instruction

its intention to implement the recommendations of the needs assessment.

(7) Funds shall supplement, not supplant, the existing staff development and in-service activities of an applicant.

[Statutory Authority: RCW 28A.71.210. 88-03-006 (Order 88-5), § 392-195-015, filed 1/8/88; 84-20-084 (Order 84-44), § 392-195-015, filed 10/2/84; 79-12-007 (Order 11-79), § 392-195-015, filed 11/9/79; 78-09-115 (Order 78-7), § 392-195-015, filed 9/6/78.]

WAC 392-195-020 Allocation of funds by SPI. The superintendent of public instruction shall evaluate each application approved by the applicant's task force and award funds to those programs which he or she deems to be in the best interest of the public school system. Consideration shall be given to:

(1) The potential of the proposed training activities for accomplishing the stated objectives;

(2) The extent to which the objectives are clearly defined and stated; and

(3) The appropriateness of the evaluation design.

[Statutory Authority: RCW 28A.71.210. 84-20-084 (Order 84-44), § 392-195-020, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-020, filed 9/6/78.]

WAC 392-195-025 Program reports to SPI. Grantees shall report the results of their programs to the superintendent of public instruction. A financial report that sets forth the objects of expenditure, such as released time, contractual services, materials and supplies, and travel shall also be submitted to the superintendent of public instruction.

[Statutory Authority: RCW 28A.71.210. 84-20-084 (Order 84-44), § 392-195-025, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-025, filed 9/6/78.]

Chapter 392-196 WAC

SCHOOL PERSONNEL—TEACHER ASSISTANCE PROGRAM

WAC

392-196-005	Authority.
392-196-010	Purpose.
392-196-011	Definition—Teacher.
392-196-020	Definition—Teacher stipend.
392-196-055	Mentor teacher—Qualifications for nomination.
392-196-060	Mentor teacher—Selection process.
392-196-077	Conditions of the program.
392-196-086	Coordination.
392-196-089	Program accountability.
392-196-100	Distribution of state moneys for the teacher assistance program.
392-196-110	Maximum control factor—Proration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-196-015	Definition—Mentor teacher. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-015, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-015, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
392-196-025	Definition—Beginning teacher. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-025, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-025, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

392-196-030 Definition—Beginning teacher stipend. [Statutory Authority: RCW 28A.415.250 and 28A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-030, filed 3/10/93, effective 4/10/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-030, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-030, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-030, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-030, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-030, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

392-196-035 Definition—Experienced teacher. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-035, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-035, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

392-196-037 Experienced teacher participation. [Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-037, filed 7/3/90, effective 8/3/90.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

392-196-040 Definition—Educational service district sponsored workshop. [Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-040, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-040, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-040, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-040, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

392-196-045 Definition—School district workshops. [Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-045, filed 2/18/92, effective 3/20/92. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-045, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-045, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-045, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-045, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-045, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

392-196-050 Mentor teacher stipend—Minimum amount. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-050, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-050, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-050, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-050, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

392-196-051 Experienced teacher—Definition. [Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-051, filed 11/5/87.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.

392-196-052 Experienced teacher participation. [Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-052, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-052, filed 11/5/87.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.

392-196-065 1985-86 pilot project—Building selection process. [Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-065, filed 10/15/85.] Repealed by 86-20-069 (Order 86-15), filed 9/30/86. Statutory Authority: RCW 28A.58.842.

392-196-066 Beginning teacher stipend—Minimum amount. [Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-066, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-066, filed 10/20/89,

- effective 11/20/89.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-070 Experienced teacher participation. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-070, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-070, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-070, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-070, filed 10/15/85.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.
- 392-196-072 Superintendent of public instruction consultation. [Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-072, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-072, filed 11/5/87.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.
- 392-196-075 Experienced teacher—Selection criteria. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-075, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-075, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-075, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-075, filed 10/15/85.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.
- 392-196-080 School district application to ESD for participation in the teacher assistance program. [Statutory Authority: RCW 28A.415.250 and 28A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-080, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-080, filed 2/18/92, effective 3/20/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-080, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-080, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-080, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-080, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-080, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-080, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-085 Selection process. [Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-085, filed 2/18/92, effective 3/20/92. Statutory Authority: RCW 28A.405.450. 90-22-042 (Order 37), § 392-196-085, filed 11/2/90, effective 12/3/90. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-085, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-085, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-085, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-085, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-090 Superintendent of public instruction consultation. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-090, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-090, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-090, filed 10/15/85.] Repealed by 92-05-068 (Order 92-02), filed 2/18/92, effective 3/20/92. Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010.
- 392-196-095 Annual amount for distribution to participating school districts. [Statutory Authority: RCW 28A.415.250 and 28A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-095, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-095, filed 10/20/89, effective 11/20/89.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

- 392-196-105 Carryover prohibition. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-105, filed 10/20/89, effective 11/20/89.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

WAC 392-196-005 Authority. The authority for this chapter is RCW 28A.415.250 which authorizes the superintendent of public instruction to adopt rules to establish and operate a teacher assistance program and RCW 28A.415.010 which authorizes the educational service district to administer, coordinate, and act as fiscal agent for the teacher assistance program.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-005, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-005, filed 2/18/92, effective 3/20/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-005, filed 7/19/90, effective 8/19/90. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-005, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 86-15-049 (Order 86-7), § 392-196-005, filed 7/18/86; 85-21-052 (Order 85-12), § 392-196-005, filed 10/15/85.]

Reviser's note: RCW 28A.405.450 has been recodified as RCW 28A.415.250.

WAC 392-196-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the operation of a teacher assistance program, including the conditions for the receipt of state moneys for such purpose by school districts of the state.

[Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-010, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-010, filed 10/15/85.]

WAC 392-196-011 Definition—Teacher. As used in this chapter the term "teacher" means any school employee possessing any one of the certificates issued by the superintendent of public instruction under RCW 28A.410.010: Provided, That such employees who hold administrator credentials and are employed as administrators shall not be included for purposes of this chapter.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-011, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-011, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-011, filed 11/5/87.]

WAC 392-196-020 Definition—Teacher stipend. As used in this chapter, the term "teacher stipend" shall mean an amount paid by a school district to a teacher for participation in a teacher assistance program.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-020, filed 7/22/94, effective 8/22/94. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-020, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-020, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-020, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-020, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-020, filed 10/15/85.]

WAC 392-196-055 Mentor teacher—Qualifications for nomination. In order to be nominated to serve as a mentor teacher, the teacher shall meet the following minimum qualifications:

(1) The individual shall be a superior teacher based on his or her evaluations.

(2) The individual shall hold a valid continuing or standard certificate issued pursuant to chapter 180-79 WAC.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-055, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-055, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-055, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-055, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-055, filed 10/15/85.]

WAC 392-196-060 Mentor teacher—Selection process. Mentor teachers shall be selected by the district and may serve as mentors up to and including full time. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-060, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-060, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-060, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-060, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-060, filed 10/15/85.]

WAC 392-196-077 Conditions of the program. Each teacher assistance program shall meet the following conditions:

(1) The program shall provide for:

(a) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers who are having difficulties, or both, in and outside the classroom.

(b) Stipends for mentor, beginning and experienced teachers, which shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200.

(c) Workshops for the training of mentor and beginning teachers.

(d) The use of substitutes to give mentor, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom.

(2) Mentor teachers shall not be involved in evaluations of their beginning and experienced teachers conducted pursuant to RCW 28A.405.100.

(3) Mentor teachers shall periodically inform their principals respecting the contents of training sessions and other program activities.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-077, filed 7/22/94, effective 8/22/94.]

WAC 392-196-086 Coordination. A school district may coordinate and administer its own program or, if requested by member school districts, each ESD may coordinate the teacher assistance program for the requesting school districts within its region, pursuant to RCW 28A.415.010 and the Washington state operating budget.

[Statutory Authority: RCW 28A.415.250. 96-19-038 (Order 96-14), § 392-196-086, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW (2007 Ed.)

28A.415.250 and 28A.415.010. 94-16-019, § 392-196-086, filed 7/22/94, effective 8/22/94.]

WAC 392-196-089 Program accountability. (1) The superintendent of each school district shall supply the educational service district, at times specified by the educational service district, such information as requested regarding the teacher assistance program, including program design and evaluations.

(2) Each educational service district shall submit to the superintendent of public instruction, at times specified by the superintendent of public instruction, information as requested regarding the teacher assistance program, including demographic data.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-089, filed 7/22/94, effective 8/22/94.]

WAC 392-196-100 Distribution of state moneys for the teacher assistance program. One of two options shall be used for the distribution of state moneys for the teacher assistance program:

(1) Based on the number of beginning teachers, the superintendent of public instruction shall allocate funds directly to those school districts administering their own programs; or

(2) Based on the number of beginning teachers, the superintendent of public instruction shall allocate funds to the educational service district for those school districts that have requested program coordination by the educational service district pursuant to WAC 392-196-086.

[Statutory Authority: RCW 28A.415.250. 96-19-038 (Order 96-14), § 392-196-100, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-100, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-100, filed 2/18/92, effective 3/20/92. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-100, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-100, filed 10/20/89, effective 11/20/89.]

WAC 392-196-110 Maximum control factor—Proration. State moneys distributed to districts for the teacher assistance program shall be subject to the proration provision of WAC 392-122-905 if the current appropriation to the superintendent of public instruction for the beginning teacher assistance program is adversely affected by action of the legislature after the commencement of the ensuing school year.

[Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-110, filed 10/20/89, effective 11/20/89.]

Chapter 392-198 WAC

TRAINING—SCHOOL EMPLOYEES—HIV/AIDS

WAC

392-198-005	Authority.
392-198-010	Purposes.
392-198-015	Course content requirements for HIV/AIDS inservice training—Mandatory.
392-198-020	Course content requirements for HIV/AIDS inservice training—Supplemental.
392-198-025	Continuing inservice.
392-198-030	New employee training.

WAC 392-198-005 Authority. The authority for this chapter is RCW 70.24.290 which authorizes the superinten-

dent of public instruction to adopt rules that require appropriate education and training of public school employees about the transmission, prevention, and treatment of HIV/AIDS. The superintendent of public instruction is further required to develop the course content in consultation with the department of health under RCW 70.24.250.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-005, filed 8/23/91, effective 9/23/91.]

WAC 392-198-010 Purposes. The purpose of this chapter is to provide public school districts with the mandatory and supplemental course content requirements for training school district employees regarding the transmission, prevention, and treatment of HIV/AIDS.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-010, filed 8/23/91, effective 9/23/91.]

WAC 392-198-015 Course content requirements for HIV/AIDS inservice training—Mandatory. Pursuant to RCW 70.24.250 and 70.24.290 the HIV/AIDS training provided by public school districts shall include:

- (1) History and epidemiology of HIV/AIDS;
- (2) Methods of transmission of HIV;
- (3) Methods of prevention of HIV including universal precautions for handling of body fluids;
- (4) Current treatment for symptoms of HIV and prognosis of disease progression;
- (5) State and federal laws governing discrimination of persons with HIV/AIDS;
- (6) State and federal laws regulating confidentiality of a person's HIV antibody status.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-015, filed 8/23/91, effective 9/23/91.]

WAC 392-198-020 Course content requirements for HIV/AIDS inservice training—Supplemental. Pursuant to RCW 70.24.250 and 70.24.290 the HIV/AIDS training may include:

- (1) Federal, state, and local resources for HIV/AIDS;
- (2) Impact of HIV/AIDS on infected individuals and their families;
- (3) Global impact of HIV/AIDS;
- (4) Anonymous and confidential testing for HIV antibodies.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-020, filed 8/23/91, effective 9/23/91.]

WAC 392-198-025 Continuing inservice. Pursuant to RCW 70.24.250, all local school districts shall ensure that significant new discoveries or changes in accepted knowledge of transmission, prevention, and treatment for HIV/AIDS are provided to all public school employees within one calendar year of the date of notification by the superintendent of public instruction as advised by the office on HIV/AIDS, department of health, unless the department of health notifies the districts that the information is of such an emergent nature that a prompter response is required.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-025, filed 8/23/91, effective 9/23/91.]

[Title 392 WAC—p. 338]

WAC 392-198-030 New employee training. Each school district shall ensure that newly hired school district employees shall receive the HIV/AIDS training prescribed in WAC 392-198-015 within six months from the first day of employment in the district.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-030, filed 8/23/91, effective 9/23/91.]

Chapter 392-200 WAC

SCHOOL PERSONNEL—EMPLOYMENT DISCRIMINATION

WAC

392-200-003	Authority.
392-200-005	Purpose.
392-200-010	Public school employment and contract practices—Sex discrimination.
392-200-015	Public school employment—Affirmative action program.
392-200-020	Public school employment—Affirmative action program—General.

WAC 392-200-003 Authority. Partial authority for this chapter is RCW 28A.640.020 which authorizes the superintendent of public instruction to adopt rules and regulations for the elimination of sex discrimination in the common schools. Such authority is supplemented by RCW 28A.300-070 which authorizes the superintendent of public instruction to receive federal funds and distribute such funds in accordance with federal law and accompanying federal rules and regulations and by Article III, section 22 of the Washington state Constitution which authorizes the superintendent of public instruction to have supervision over the common schools.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-200-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.85.020. 84-20-090 (Order 84-43), § 392-200-003, filed 10/2/84.]

WAC 392-200-005 Purpose. The purpose of this chapter is to require each public school district to establish and implement affirmative action employment policies and programs to eliminate discrimination on the basis of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap.

[Statutory Authority: RCW 28A.85.020. 84-20-090 (Order 84-43), § 392-200-005, filed 10/2/84; Order 6-76, § 392-200-005, filed 5/17/76.]

WAC 392-200-010 Public school employment and contract practices—Sex discrimination. (1) No school district shall, on the basis of sex, exclude any person from participation in, deny any person the benefits of, or subject any person to discrimination in employment, recruitment, promotion or advancement, consideration or selection therefor, whether full time or part time, in connection with employment by a school district.

(2) Each school district shall make all employment decisions in a nondiscriminatory manner and shall not limit, segregate, or classify any person in any way which could adversely affect a person's employment opportunities or status on the basis of sex.

(3) No school district shall enter into any contractual or other relationship that directly or indirectly has the effect of subjecting any person to discrimination in connection with

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employment on the basis of sex, including but not limited to relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees.

(4) No school district shall grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex.

[Order 6-76, § 392-200-010, filed 5/17/76.]

WAC 392-200-015 Public school employment—Affirmative action program. (1) Each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions which are consistent with the intent of chapter 28A.640 RCW and such guidelines as are hereafter developed and distributed to each school district by the office of superintendent of public instruction to eliminate discrimination on the basis of sex, in connection with employment by the school district: Provided, That each school district's affirmative action employment program shall include at least the following provisions respecting discrimination on the basis of sex.

(a) Maintain credential requirements for all personnel;

(b) Make no differentiation in pay scale;

(c) Make no differentiation in the assignment of school duties except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(d) Provide the same opportunities for advancement;

(e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment and assignment of, or pay for, instructional and noninstructional duties; and

(f) Such other provisions as may be required by the superintendent of public instruction designed to facilitate the effective achievement of all reasonable affirmative action goals and objectives in public school employment respecting the elimination of discrimination on the basis of sex.

(2) Each affirmative action employment program of a school district shall be filed with the office of the superintendent of public instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-200-015, filed 7/19/90, effective 8/19/90; Order 6-76, § 392-200-015, filed 5/17/76.]

WAC 392-200-020 Public school employment—Affirmative action program—General. (1) Notwithstanding the requirements of this chapter respecting discrimination on the basis of sex, each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions to eliminate discrimination on the basis of race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap.

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(2) Each affirmative action employment program of a school district shall be filed with the office of the superintendent of public instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976.

[Order 6-76, § 392-200-020, filed 5/17/76.]

Chapter 392-202 WAC SCHOOL PERSONNEL—EXCELLENCE IN EDUCATION AWARDS

WAC

392-202-003	Authority.
392-202-005	Purpose.
392-202-010	Teacher—Definition.
392-202-015	Principal/administrator—Definition.
392-202-020	Superintendent—Definition.
392-202-025	School board—Definition.
392-202-027	Classified staff—Definition.
392-202-030	Congressional district—Definition.
392-202-035	Elementary level—Definition.
392-202-040	Junior high level—Definition.
392-202-045	Middle school level—Definition.
392-202-050	Secondary level—Definition.
392-202-055	Educational grant—Definition.
392-202-060	Educational purpose—Definition.
392-202-065	One full academic year.
392-202-070	Selection of recipients—Annual recognition.
392-202-075	Selection of recipients—Nomination.
392-202-080	Selection of recipients—Application.
392-202-085	Selection of recipients—Review committee.
392-202-087	Selection criteria—Classified staff members.
392-202-090	Selection criteria—Teachers.
392-202-095	Selection criteria—Principals or administrators.
392-202-100	Selection criteria—Superintendent.
392-202-105	Selection criteria—School board.
392-202-110	Awards for teachers, principals, administrators, and classified staff.
392-202-113	Award for classified staff.
392-202-115	Notification and application for award—Teachers and principals/administrators.
392-202-120	Award for superintendent.
392-202-125	Application—Superintendent.
392-202-130	Award for school board.
392-202-135	Application—School board.
392-202-140	Expenditure period for educational grants.

WAC 392-202-003 Authority. The authority for this chapter is RCW 28A.625.050 which authorizes the superintendent of public instruction to adopt rules relating to administration of a Washington award for excellence in education for teachers, principals, administrators, superintendents, school boards, and classified staff.

[Statutory Authority: RCW 28A.625.050. 91-03-119 (Order 91-03), § 392-202-003, filed 1/23/91, effective 2/23/91. Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-202-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-003, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-003, filed 11/5/87.]

WAC 392-202-005 Purpose. The purpose of this chapter is to set forth policies, selection, criteria, and administrative procedures for establishing an annual Washington award for excellence in education to teachers, principals, administrators, superintendents, school boards, and classified staff.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-005, filed 9/13/90, effective 10/14/90; 89-19-032 (Order 14), § 392-202-005, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-005, filed 11/5/87.]

WAC 392-202-010 Teacher—Definition. As used in this chapter, the term "teacher" means one of the following:

- (1) A person certified under chapter 180-75 WAC; or
- (2) An educational staff associate certified under chapter 180-75 WAC.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-010, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-010, filed 11/5/87.]

WAC 392-202-015 Principal/administrator—Definition. As used in this chapter, the term "principal/administrator" means one of the following:

- (1) A person certified under chapter 180-75 WAC; or
- (2) A person with supervisory responsibilities at the school building/central office level.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-015, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-015, filed 11/5/87.]

WAC 392-202-020 Superintendent—Definition. As used in this chapter, the term "superintendent" means the chief school district administrator.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-020, filed 11/5/87.]

WAC 392-202-025 School board—Definition. As used in this chapter, the term "school board" means the governing board of directors of a local school district.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-025, filed 11/5/87.]

WAC 392-202-027 Classified staff—Definition. Reserved.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-027, filed 9/13/90, effective 10/14/90.]

WAC 392-202-030 Congressional district—Definition. As used in this chapter, the term "congressional district" means the eight United States congressional districts in the state of Washington.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-030, filed 11/5/87.]

WAC 392-202-035 Elementary level—Definition. As used in this chapter, the term "elementary level" means grades K-6: Provided, That in districts with middle schools beginning at grades 5 or 6, grades K-4 or 5 shall be considered elementary.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-035, filed 11/5/87.]

WAC 392-202-040 Junior high level—Definition. As used in this chapter, the term "junior high level" means grades 7-9: Provided, That it may mean grades 7 and 8 in a school district where high school encompasses grades 9-12, or grades 8 and 9 in a district which chooses to include grade seven in a middle school.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-040, filed 11/5/87.]

[Title 392 WAC—p. 340]

WAC 392-202-045 Middle school level—Definition. As used in this chapter, the term "middle school level" means grades 5 or 6 through grade 8 in a district operating with a middle school rather than junior high configuration.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-045, filed 11/5/87.]

WAC 392-202-050 Secondary level—Definition. As used in this chapter, the term "secondary level" means grades 10-12: Provided, That if a building houses grades 7, 8, and/or 9, those grades may also be included, depending on the grade configuration served in a particular school building.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-050, filed 11/5/87.]

WAC 392-202-055 Educational grant—Definition. As used in this chapter, the term "educational grant" means an amount not exceeding one thousand dollars for individuals or two thousand five hundred dollars for a school board which shall be awarded by the superintendent of public instruction upon receipt of a grant application identifying the educational purpose for which the grant will be used, submitted pursuant to WAC 392-202-115, 392-202-125, and 392-202-135.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-055, filed 11/5/87.]

WAC 392-202-060 Educational purpose—Definition. As used in this chapter, the term "educational purpose" means for education to benefit the recipient of the educational grant award or for educational activities or materials to benefit other educators or children.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-060, filed 11/5/87.]

WAC 392-202-065 One full academic year. As used in this chapter, the term "one full academic year" means forty-five quarter or thirty semester hours of study at any state institution of higher education.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-065, filed 11/5/87.]

WAC 392-202-070 Selection of recipients—Annual recognition. Annual recognition criteria are as follows:

- (1) Five teachers from each congressional district of the state. One individual must be an elementary teacher, one must be a junior high or middle school level teacher, and one must be a secondary teacher;
- (2) Five principals or administrators from each congressional district of the state;
- (3) One school district superintendent from the state;
- (4) One school district board of directors from the state; and
- (5) Three classified staff from each congressional district of the state.

Not more than five teachers, five principals or administrators, and three classified staff from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-070, filed 9/13/90, effective 10/14/90; 89-19-032 (Order 14), § 392-202-070, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-070, filed 11/5/87.]

WAC 392-202-075 Selection of recipients—Nomination. Nomination of persons shall be as follows:

(1) Any person may nominate a classified staff member, teacher, principal, administrator, superintendent, or school board for the award by submitting the form provided by the superintendent of public instruction for that purpose. The nomination form and information about the awards program shall be disseminated to the public, to educators, and to members of professional education associations through newsletters, bulletins, and other media which the superintendent of public instruction may deem appropriate.

(2) The nomination form shall include at a minimum:

(a) The name of the person/board nominated.

(b) The school building/district name and address where the person works.

(c) The congressional district in which the district is located.

(d) The grade level and category, where appropriate, for which the nomination is made.

(e) The address to which the form should be returned and the date by which it must be received.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-075, filed 9/13/90, effective 10/14/90; 89-19-032 (Order 14), § 392-202-075, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-075, filed 11/5/87.]

WAC 392-202-080 Selection of recipients—Application. Selection of recipients shall require submission of an application as follows:

(1) Candidates nominated on forms provided by and returned to the superintendent of public instruction shall receive an application form from the superintendent of public instruction to be completed and returned if the candidate wishes to be considered for the award. The application shall be adapted to each category of award, — i.e., classified staff member, teacher, principal, or administrator, superintendent, and school board, — and shall require that the candidate provide evidence of leadership in, and contributions and commitment to educational excellence.

(2) Classified staff member applications shall include recommendations from a building administrator, teacher, and a student or parent/guardian.

(3) Teacher award applications shall include recommendations from a superintendent, a community member, and a student or parent/guardian.

(4) Principal or administrator award applications shall include recommendations from a member of the staff in his or her building, a superintendent, and a student or parent or guardian.

(5) Superintendent award applications shall include recommendations from a community representative, chair of the school board, and a member of the school district staff.

(6) School board award applications shall include recommendations from the local education association president, the superintendent, and a representative of a parent support group.

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[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-080, filed 9/13/90, effective 10/14/90; 89-19-032 (Order 14), § 392-202-080, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-080, filed 11/5/87.]

WAC 392-202-085 Selection of recipients—Review committee. Recipients shall be selected as follows:

(1) A committee composed of eighteen members representative of the eight congressional districts shall be appointed by the superintendent of public instruction to review applications and select the recipients for each category, grade level and congressional district using the criteria established in WAC 392-202-090. Committee members shall be:

(a) Six teachers, including representatives.

(b) Three principals or administrators including representatives of elementary, middle school or junior high, and senior high school.

(c) Three superintendents.

(d) Three school board members.

(e) Three currently active members of parent-teacher-student organizations.

(2) Prior to receipt of applications pursuant to WAC 392-202-080, the review committee shall establish a final selection procedure consistent with this chapter that is fair, timely and provides for breaking ties in a predetermined, objective manner.

(3) Recipients shall be selected and awards presented no later than June 1 of each year.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-085, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-085, filed 11/5/87.]

WAC 392-202-087 Selection criteria—Classified staff members. The three broad criteria of leadership, commitment, and contribution to excellence shall be adapted to classified staff as follows:

(1) Leadership among classified staff and with students or community;

(2) Commitment evidenced by special efforts to foster student success;

(3) Contributions to the staff, school, or community.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-087, filed 9/13/90, effective 10/14/90.]

WAC 392-202-090 Selection criteria—Teachers. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to teachers as follows:

The Christa McAuliffe Award for teachers shall require:

(1) Leadership among professional colleagues and with students or the community;

(2) Commitment evidenced by special efforts to foster student morale or achievement and to improve personal effectiveness as an educator;

(3) Contributions to the field such as education-related methods, materials, or programs and unusually great contributions to the education of some students.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-090, filed 11/5/87.]

WAC 392-202-095 Selection criteria—Principals or administrators. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to principals as follows:

The Excellence in Education Award to principals shall require:

(1) Leadership evidenced by clear understanding of the wishes and needs of building staff, students, and community, and by fostering the progress of the school's educational program;

(2) Commitment evidenced by recent efforts to increase personal and professional effectiveness and to promote educational excellence in the community, state or nation; and

(3) Contributions such as curriculum development within the school and significant staff achievements fostered by the principal's or administrator's leadership.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-095, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-095, filed 11/5/87.]

WAC 392-202-100 Selection criteria—Superintendent. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to a superintendent as follows:

The Excellence in Education Award to a superintendent shall require:

(1) Leadership in board implementation of community wishes or community acceptance of educational improvements, and enhancement of employee effectiveness in implementing the wishes of the board and community;

(2) Commitment evidenced by special effort(s) to carry out wishes of the board and promote educational excellence; and

(3) Contributions such as new programs or developments initiated and brought to fruition within the district and efforts that have demonstrably and substantially enhanced the attitude toward schools or the professional growth of educators.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-100, filed 11/5/87.]

WAC 392-202-105 Selection criteria—School board. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to a school board as follows:

The Excellence in Education Award to a school board shall require:

(1) Leadership evidenced by board philosophy and goals which reflect the community's wishes and assurance that district employees know, understand, and implement that philosophy;

(2) Commitment evidenced by special efforts to access community input and provide interpretation of the board's actions and to maintain current knowledge of educational developments and implement appropriate innovations; and

(3) Contributions such as mechanisms to assure community interaction and teamwork and to promote maximum professional development by district employees.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-105, filed 11/5/87.]

[Title 392 WAC—p. 342]

WAC 392-202-110 Awards for teachers, principals, administrators, and classified staff. The award for educational excellence for teachers, classified employees, and principals or administrators shall include:

(1) A certificate presented by the governor and superintendent of public instruction in public ceremony(ies); and

(2) The recipient shall receive a recognition award of at least two thousand five hundred dollars.

[Statutory Authority: RCW 28A.03.532. 94-20-008 (Order 94-12), § 392-202-110, filed 9/22/94, effective 10/23/94. Statutory Authority: RCW 28A.625.050. 93-19-121 (Order 93-16), § 392-202-110, filed 9/21/93, effective 10/22/93; 93-08-005 (Order 93-02), § 392-202-110, filed 3/24/93, effective 4/24/93. Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-110, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-110, filed 11/5/87.]

WAC 392-202-113 Award for classified staff. The award for educational excellence for classified staff shall include a certificate presented by the governor and superintendent of public instruction in public ceremony(ies).

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-113, filed 9/13/90, effective 10/14/90.]

WAC 392-202-115 Notification and application for award—Teachers and principals/administrators. (1) The superintendent of public instruction shall notify the recipients that an election must be made in a timely fashion, including appropriate forms for making the election; and recipients shall notify the superintendent of public instruction in writing within one year of receipt of the award of the option they have chosen.

(2) Recipients shall apply for the educational grant within one year after receipt of the award and shall expend the funds provided under the grant within one year after submission of the application.

(3) Recipients choosing waiver after January 1989 shall apply for the waiver and stipend within one year after receipt of the award and shall expend the funds provided under the waiver and stipend within three years after the receipt of the award.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-115, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-115, filed 11/5/87.]

WAC 392-202-120 Award for superintendent. The awards for superintendent shall include:

(1) A certificate presented by the superintendent of public instruction and the governor at a public ceremony(ies); and

(2) The amount of the recognition award shall be at least one thousand dollars for superintendents employed in first class school districts. The award for superintendents employed in second class school districts shall be at least two thousand five hundred dollars.

[Statutory Authority: RCW 28A.03.532. 94-20-008 (Order 94-12), § 392-202-120, filed 9/22/94, effective 10/23/94; 87-23-005 (Order 87-15), § 392-202-120, filed 11/5/87.]

WAC 392-202-125 Application—Superintendent. The superintendent shall submit a written application to the superintendent of public instruction within one year of receiving the award and shall expend the funds provided

under the grant within one year after submission of the application. Such application shall include the educational purpose(s) toward which the grant shall be used.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-125, filed 11/5/87.]

WAC 392-202-130 Award for school board. The awards for school boards shall include:

(1) A certificate presented by the superintendent of public instruction and the governor at a public ceremony(ies); and

(2) A grant not to exceed two thousand five hundred dollars, which shall be used for educational purposes.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-130, filed 11/5/87.]

WAC 392-202-135 Application—School board. The school board shall submit a written application to the superintendent of public instruction within one year of receiving the award and shall expend the funds provided under the grant within one year after submission of the application. Such application shall include the educational purpose(s) toward which the grant shall be used.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-135, filed 11/5/87.]

WAC 392-202-140 Expenditure period for educational grants. Educational grants to any award recipient shall be expended within the current and ensuing year in which they are issued: Provided, That such grant funds shall not be carried over from one biennium to a subsequent biennium.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-140, filed 11/5/87.]

Chapter 392-204 WAC

LIBRARY MEDIA CENTERS

(Formerly chapter 180-46 WAC)

WAC

392-204-005	Purpose and authority.
392-204-009	Definitions.
392-204-020	School library media program.
392-204-025	Services.
392-204-055	Other sources.

WAC 392-204-005 Purpose and authority. (1) The purpose of this chapter is to identify quality criteria for school library media programs, as may be established locally, that support the attainment of the state's learning goals.

(2) The authority for this chapter is RCW 28A.320.240.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-204-005, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.320.240. 05-08-013, § 180-46-005, filed 3/28/05, effective 4/28/05; 92-24-025, § 180-46-005, filed 11/24/92, effective 12/25/92. Statutory Authority: 1990 c 33. 90-17-009, § 180-46-005, filed 8/6/90, effective 9/6/90; Order 1-76, § 180-46-005, filed 2/3/76; Order 15-75, § 180-46-005, filed 12/11/75.]

WAC 392-204-009 Definitions. (1) "Teacher-librarian" means a certified teacher with a library media endorsement under WAC 180-82A-202 (1)(i), 180-82-344, or 180-82-346.

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(2) "School library media program" means a school-based program that is staffed by a certificated teacher-librarian.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-204-009, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.320.240. 05-08-013, § 180-46-009, filed 3/28/05, effective 4/28/05.]

WAC 392-204-020 School library media program. The school library media program is to include resources that promote a positive impact on student learning, such as a variety of resources for reading advocacy, student communication skills, electronic and print information, and resources that support student mastery of the essential academic learning requirements in all subject areas and the implementation of the district's school improvement plan, consistent with the goals for Washington common schools, as adopted by the state board of education.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-204-020, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.320.240. 05-08-013, § 180-46-020, filed 3/28/05, effective 4/28/05; 92-24-025, § 180-46-020, filed 11/24/92, effective 12/25/92; Order 15-75, § 180-46-020, filed 12/11/75.]

WAC 392-204-025 Services. The teacher-librarian, through the school library media program, shall collaborate as an instructional partner and informational specialist with classroom teachers to develop students' information and technology skills, help all students meet the content goals in all subject areas, and assist high school students completing the culminating project and high school and beyond plans required for graduation under WAC 180-51-061.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-204-025, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.320.240. 05-08-013, § 180-46-025, filed 3/28/05, effective 4/28/05; 92-24-025, § 180-46-025, filed 11/24/92, effective 12/25/92; Order 15-75, § 180-46-025, filed 12/11/75.]

WAC 392-204-055 Other sources. Library media centers should provide direct access to a wide range of print and electronic resources. When it is not feasible to provide resources at the building level, the use of sources beyond the building shall be considered an alternate way of providing access.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-204-055, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.320.240. 05-08-013, § 180-46-055, filed 3/28/05, effective 4/28/05; 92-24-025, § 180-46-055, filed 11/24/92, effective 12/25/92; Order 15-75, § 180-46-055, filed 12/11/75.]

Chapter 392-210 WAC

STUDENT TESTING AND EVALUATION— WASHINGTON STATE HONORS AWARD PROGRAM

WAC

392-210-005	Authority.
392-210-010	Purpose.
392-210-015	Criteria for the selection of Washington state honors award students.
392-210-020	Determination of the Washington state honors award academic achievement index.
392-210-025	Credits earned in academic core subjects.
392-210-030	Enrollment in academic core subjects during grade twelve required.
392-210-035	Notification of students eligible for honors award.

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392-210-040 Notification of Washington honors award recipients.
 392-210-045 Washington honors award certificate.
 392-210-050 Notification to local business and community representatives.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-210-055 Special consideration for 1985-86 school year. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-055, filed 12/9/85.] Repealed by 06-23-014, filed 11/3/06, effective 12/4/06. Statutory Authority: RCW 28A.600.070.

WAC 392-210-005 Authority. The authority for this chapter is RCW 28A.600.070 which authorizes the superintendent of public instruction to develop rules and regulations for the establishment and administration of the Washington state honors award program.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-210-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.03.044 [28A.03.444]. 86-15-051 (Order 86-9), § 392-210-005, filed 7/18/86. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-005, filed 12/9/85.]

WAC 392-210-010 Purpose. The purpose of this chapter is to set forth the policies and procedures for the administration of the Washington state honors award program.

[Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-010, filed 12/9/85.]

WAC 392-210-015 Criteria for the selection of Washington state honors award students. The Washington state honors award program shall recognize the top ten percent of the students in the state in each year's public and private high school graduating class who have demonstrated outstanding academic achievement. Outstanding academic achievement shall be determined by the following criteria:

(1) An academic achievement index based upon a combination of the combined high school grade point average (calculated as provided in WAC 180-57-055) in the academic core subjects of English, mathematics, science, social studies, the arts, and languages other than English which may include American Indian languages and the combined verbal and quantitative composite scores on the Scholastic Aptitude Test (SAT) or the American College Test (ACT);

(2) Credits (as defined in WAC 180-51-050) earned in grades nine through twelve in the academic core subjects of English, mathematics, science, social studies, the arts, and foreign language;

(3) Completion of at least seventy-five percent of the graduation requirements for the high school in which the candidate is enrolled; and

(4) Enrollment in at least three academic core subjects in grade twelve.

In order to be considered for a Washington honors award, students must have taken the Scholastic Aptitude Test (SAT) or the American College Test (ACT) prior to January 31 of the year of graduation and be enrolled in a participating high school as indicated by the principal on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.600.070. 06-23-014, § 392-210-015, filed 11/3/06, effective 12/4/06. Statutory Authority: RCW 28A.150.220. 93-23-038 (Order 93-24), § 392-210-015, filed 11/10/93, effective 12/11/93. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-015, filed 12/9/85.]

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tory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-015, filed 12/9/85.]

WAC 392-210-020 Determination of the Washington state honors award academic achievement index. The superintendent of public instruction shall calculate the academic achievement index based upon an equivalent numeric weighting of the combined high school grade point average in academic core subjects and the combined verbal and quantitative composite scores on the Scholastic Aptitude Test (SAT) or the American College Test (ACT). The superintendent of public instruction shall determine the top ten percent of each year's graduating class based upon a ranking of all participating students on the academic achievement index.

[Statutory Authority: RCW 28A.600.070. 06-23-014, § 392-210-020, filed 11/3/06, effective 12/4/06. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-020, filed 12/9/85.]

WAC 392-210-025 Credits earned in academic core subjects. To be considered for a Washington state honors award, a student must have earned, during grades nine through twelve, at least seventy-five percent of the credits required for graduation from his or her high school including a minimum of ten credits in the academic core subjects of English, mathematics, science, social studies, the arts, and foreign language.

Each participating high school principal shall verify, on forms provided by the superintendent of public instruction, that each candidate has completed at least seventy-five percent of the school's total graduation credit requirements. The superintendent of public instruction shall require each student's high school transcript to be verified to assure that each student has earned the minimum credits in each of the academic core subjects. All participating high schools shall make available the grades nine through twelve transcripts for all participating students on or before the date provided annually by the superintendent of public instruction.

[Statutory Authority: RCW 28A.600.070. 06-23-014, § 392-210-025, filed 11/3/06, effective 12/4/06. Statutory Authority: RCW 28A.03.044 [28A.03.444]. 86-15-051 (Order 86-9), § 392-210-025, filed 7/18/86. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-025, filed 12/9/85.]

WAC 392-210-030 Enrollment in academic core subjects during grade twelve required. To be considered for a Washington state honors award, a student must be enrolled in at least three of the academic core subjects of English, mathematics, science, social studies, the arts, and languages other than English during the senior year. The minimum enrollment requirement shall be verified in writing by the participating high school principal on forms provided annually by the superintendent of public instruction.

[Statutory Authority: RCW 28A.600.070. 06-23-014, § 392-210-030, filed 11/3/06, effective 12/4/06. Statutory Authority: RCW 28A.150.220. 93-23-038 (Order 93-24), § 392-210-030, filed 11/10/93, effective 12/11/93. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-030, filed 12/9/85.]

WAC 392-210-035 Notification of students eligible for honors award. Commencing with the ninth grade, and each year thereafter, each participating high school shall provide each enrolled student with a copy of the eligibility criteria.

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ria for the Washington state honors award. The superintendent of public instruction shall provide schools with a suggested format that may be used to notify students.

[Statutory Authority: RCW 28A.600.070. 06-23-014, § 392-210-035, filed 11/3/06, effective 12/4/06. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-035, filed 12/9/85.]

WAC 392-210-040 Notification of Washington honors award recipients. The superintendent of public instruction shall annually provide to each participating school principal the names of those enrolled students who have been selected for a Washington honors award.

[Statutory Authority: RCW 28A.600.070. 06-23-014, § 392-210-040, filed 11/3/06, effective 12/4/06. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-040, filed 12/9/85.]

WAC 392-210-045 Washington honors award certificate. The superintendent of public instruction shall prepare annually for each honors award recipient a suitable printed certificate which shall describe the purposes of the award, indicate the year in which the award was given, and be signed by the superintendent of public instruction. The certificate for each honors award recipient shall be delivered to the participating high school principal on or before May 30 of each school year. Each participating principal shall provide for issuing the certificate to each recipient at the regular high school commencement or other appropriate time prior to high school commencement.

[Statutory Authority: RCW 28A.600.070. 06-23-014, § 392-210-045, filed 11/3/06, effective 12/4/06. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-045, filed 12/9/85.]

WAC 392-210-050 Notification to local business and community representatives. The principal of each participating school shall encourage local businesses and community organizations to recognize the accomplishments of the Washington honors award recipients.

[Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-050, filed 12/9/85.]

Chapter 392-300 WAC

FINGERPRINT RECORD CHECKS—ACCESS TO RECORDS—PRIVACY

WAC

392-300-001	Purpose.
392-300-005	Definition—Record check information.
392-300-010	Definition—Record check data base.
392-300-015	Definition—District employee.
392-300-020	Definition—Applicant.
392-300-025	Access to record check information by district employee or applicant.
392-300-030	Office hours.
392-300-035	Requests for record check information.
392-300-040	Copying.
392-300-045	Protection of record check information.
392-300-050	Access to record check data base.
392-300-055	Prohibition of redissemination of fingerprint record information by educational service districts, the state school for the deaf, the state school for the blind, school districts.
392-300-060	Protection of fingerprint record information by educational service districts, state school for the deaf, state school for the blind, and school districts.
392-300-070	Private school fingerprint process.

(2007 Ed.)

WAC 392-300-001 Purpose. Rules and regulations hereinafter set forth are established pursuant to RCW 28A.400.303, 28A.400.306, 28A.410.010 and chapter 126, Laws of 1996, SSB 6272, for the purpose of setting forth practices and procedures relating to access and review of record check information and data bases.

[Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-001, filed 8/19/96, effective 9/19/96.]

WAC 392-300-005 Definition—Record check information. As used in this chapter, "record check information" includes any record of arrest and prosecution (RAP sheet) provided by the Washington state patrol and/or the Federal Bureau of Investigation and any other information obtained by the superintendent of public instruction or designee as a result of the investigation of any data contained in RAP sheets.

[Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-005, filed 8/19/96, effective 9/19/96.]

WAC 392-300-010 Definition—Record check data base. As used in this chapter, "record check data base" means the electronic data base or printed copy equivalent maintained by the superintendent of public instruction or designee that contains:

(1) The names and other identifiable information of individuals checked under RCW 28A.400.303 and 28A.410.090; and

(2) Whether there is any record of arrest and prosecution for the individual.

[Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-010, filed 8/19/96, effective 9/19/96.]

WAC 392-300-015 Definition—District employee. As used in this chapter, "district employee" shall mean any individual currently employed by or being considered for employment by a school district, a school district contractor, the state school for the deaf, the state school for the blind, an educational service district, or an educational service district contractor.

[Statutory Authority: RCW 28A.150.290(1). 02-06-044, § 392-300-015, filed 2/27/02, effective 3/30/02. Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-015, filed 8/19/96, effective 9/19/96.]

WAC 392-300-020 Definition—Applicant. As used in this chapter, "applicant" means any individual who is applying for an educational certificate or employment under the rules and regulations of the superintendent of public instruction or the state board of education.

[Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-020, filed 8/19/96, effective 9/19/96.]

WAC 392-300-025 Access to record check information by district employee or applicant. All district employees and applicants shall have access to record check information about them maintained by the superintendent of public instruction or designee. Any record of arrest and prosecution

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(RAP sheet) received from the Washington state patrol or the Federal Bureau of Investigation shall be sent promptly by the superintendent of public instruction to the district employee or applicant undergoing the record check. Any additional information collected by the superintendent of public instruction or designee as a result of the investigation of any data shall be available for inspection and copying by the district employee or applicant to whom it pertains during normal office hours in the office where the information is located. Information that is gathered as part of an ongoing investigation, excluding RAP sheets, shall not be released to the district employee or applicant until the investigation is completed.

[Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-025, filed 8/19/96, effective 9/19/96.]

WAC 392-300-030 Office hours. The individual's record check information shall be available to him or her for inspection and copying during the customary office hours of the agency. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 pm. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-030, filed 8/19/96, effective 9/19/96.]

WAC 392-300-035 Requests for record check information. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, record check information is obtainable by district employees or applicants to whom it pertains when they comply with the following procedures:

A request shall be made in writing. The written request shall be presented to the fingerprint records office of the superintendent of public instruction during customary office hours or may be mailed or faxed to the office. The request shall include the following information:

- (1) The name of the person requesting the record;
- (2) The time of day and the calendar date on which the request was made;
- (3) The nature of the request;
- (4) Height, weight and date of birth of individual fingerprinted; and
- (5) Social Security number of individual fingerprinted (optional).

[Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-035, filed 8/19/96, effective 9/19/96.]

WAC 392-300-040 Copying. No fee shall be charged for the inspection of record check information. The superintendent of public instruction may impose a reasonable charge for providing copies of records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse SPI for its actual costs incident to such copying. A record so copied shall not be released until and unless the person requesting the copied record has tendered payment for such copying to the appropriate official. All charges must be paid by money order or check.

[Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-040, filed 8/19/96, effective 9/19/96.]

WAC 392-300-045 Protection of record check information. Members of the public and agency personnel not processing record check information shall not be permitted access to any criminal record information.

(1) Record check information and a facility for their inspection will be provided by the fingerprint record office. Such records shall not be removed from the place designated. Records may be copied pursuant to the provisions of WAC 392-300-040.

(2) All record check information shall be maintained in a secure and private environment in order to protect the confidentiality of all district employees or applicants.

(3) All employees of the superintendent of public instruction who have access to criminal record information shall undergo record checks by the Washington state patrol and the Federal Bureau of Investigation.

[Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-045, filed 8/19/96, effective 9/19/96.]

WAC 392-300-050 Access to record check data base. School districts, the state school for the deaf, the state school for the blind, educational service districts, colleges and universities shall establish written policies or procedures to determine which employees are authorized to access the data base. Access to the superintendent of public instruction's record check data base shall be limited to:

(1) Employees of the superintendent of public instruction processing record check information including employees within the fingerprint records section, the office of professional practices, the legal services section, the certification section or their equivalents in case of future agency reorganization.

(2) Authorized employees of school districts.

(3) Authorized employees of educational service districts.

(4) Authorized employees of college or universities with state board of education approved certification programs.

(5) Authorized employees of the state school for the deaf.

(6) Authorized employees of the state school for the blind.

(7) Other authorized individuals as determined by the superintendent of public instruction or designee.

Access to the data base will be controlled by a confidential password issued by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290(1), 02-06-044, § 392-300-050, filed 2/27/02, effective 3/30/02. Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-050, filed 8/19/96, effective 9/19/96.]

WAC 392-300-055 Prohibition of redissemination of fingerprint record information by educational service districts, the state school for the deaf, the state school for

the blind, school districts. Fingerprint record information is highly confidential and shall not be redisseminated to any organization or individual by any educational service district, state school for the deaf, state school for the blind, or school district.

[Statutory Authority: RCW 28A.150.290(1), 02-06-044, § 392-300-055, filed 2/27/02, effective 3/30/02. Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126, 96-17-045 (Order 96-12), § 392-300-055, filed 8/19/96, effective 9/19/96.]

WAC 392-300-060 Protection of fingerprint record information by educational service districts, state school for the deaf, state school for the blind, and school districts. Educational service districts, state school for the deaf, state school for the blind, and school districts shall have policies and procedures to:

- (1) Protect the confidentiality of fingerprint record information, including the secure location of RAP sheets;
- (2) Limit access to authorized personnel processing or requiring fingerprint record information to make employment decisions; and
- (3) Prevent the unlawful redissemination of fingerprint record information.

Noncompliance with these provisions may allow for the recovery of civil damages under applicable federal and state statutes.

[Statutory Authority: RCW 28A.150.290(1), 02-06-044, § 392-300-060, filed 2/27/02, effective 3/30/02. Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126, 96-17-045 (Order 96-12), § 392-300-060, filed 8/19/96, effective 9/19/96.]

WAC 392-300-070 Private school fingerprint process. Fingerprinting of subject individuals employed by private schools.

- (1) Definitions of private school terms.
 - (a) "Subject individual" means: Any person, certified or classified employed by a private school in a position having regularly scheduled, unsupervised access to children;
 - (b) "Regularly scheduled, unsupervised access to children" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision;
 - (c) "Fee" means the total charges assessed to process fingerprint cards through the Washington state patrol and Federal Bureau of Investigation records check;
 - (d) "Information to be required" means all information requested by the office of the superintendent of public instruction including the following:
 - (A) Completed fingerprint card to be mailed, with the fee, to the Washington state patrol;
 - (B) Completed information form to be mailed to the superintendent of public instruction;
 - (e) "Convictions of crimes" means, notwithstanding any other statutes or Washington administrative rule, conviction of a crime listed in WAC 180-86-013, or being under indictment for any of the crimes listed in WAC 180-86-013;
 - (f) "Private school" means a school that is approved with the Washington state board of education under chapter 180-90 WAC.

- (2) The office of the superintendent of public instruction shall request criminal information from the Washington state
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patrol and the Federal Bureau of Investigation in the manner prescribed by law. A fee shall be charged for such services.

- (3) Upon the private school's submission of the completed fingerprint cards and information form, the office of the superintendent of public instruction shall review the criminal records of subject individual.

- (4) The office of the superintendent of public instruction shall not provide copies of criminal records to anyone except as provided by law. The private school will receive a copy of subject individual's record of arrest and prosecution (RAP) sheet from the Washington state patrol. The subject individual will be sent a copy of his or her personal criminal records.

- (5) For the Federal Bureau of Investigation portion, the superintendent of public instruction or designee shall notify the private school if the subject individual has been convicted of a crime listed in WAC 180-86-013, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Washington under a different statutory name or number; if the subject individual falsified information on the application form; or if the subject individual has no conviction of crimes as listed in WAC 180-86-013.

- (6) The office of the superintendent of public instruction shall assure the destruction of all fingerprint cards, facsimiles or other materials from which fingerprints can be reproduced used by Washington state patrol or Federal Bureau of Investigation.

- (7) Only cards and forms approved by the office of the superintendent of public instruction will be accepted. The office of the superintendent of public instruction will hold fingerprint cards on file and notify the private school and subject individual when there is no fee, an incorrect fee, when necessary information is missing from the fingerprint cards, or the information form was not received.

- (8) The office of the superintendent of public instruction will return to the private school any fingerprint cards that the Washington state patrol or Federal Bureau of Investigation rejects for poor quality prints. The private school will be responsible for having the subject individual submit additional prints as required.

- (9) The superintendent's office shall maintain a record of all properly submitted fingerprint cards in the current records data base for a period of at least two years. The record shall include at least the following:

- (a) Card sequence number;
- (b) Name of private school submitting the cards;
- (c) Date cards received at the Washington state patrol;
- (d) Date letter regarding incomplete card was sent to the subject individual with a copy to the private school (only if applicable);
- (e) Date Washington state patrol received fingerprint cards;
- (f) Date private school was notified of Washington state patrol criminal history record or clearance;
- (g) Date private school was notified of Federal Bureau of Investigation record or lack of record.

[Statutory Authority: RCW 28A.410.010, 28A.400.305, 00-21-077, § 392-300-070, filed 10/17/00, effective 11/17/00.]

Chapter 392-320 WAC
SCHOOL PERSONNEL—ADMINISTRATOR
INTERNSHIP PROGRAM

WAC

392-320-005	Authority.
392-320-010	Purpose.
392-320-015	Definition—Administrator intern.
392-320-020	Definition—Mentor administrator.
392-320-025	Definition—Release time cost.
392-320-030	Definition—Educational service district internship advisory board.
392-320-035	Incorporation by reference of state board of education rules.
392-320-040	Administrator intern selection process.
392-320-045	Administrator internship allocation.
392-320-050	Annual report.
392-320-055	Carryover prohibition.
392-320-060	Maximum control factor—Proration.

WAC 392-320-005 Authority. The authority for this chapter is RCW 28A.415.300 which authorizes the superintendent of public instruction to develop rules and regulations for the establishment and administration of the administrator internship program.

[Statutory Authority: RCW 28A.415.300. 96-15-115 (Order 96-08), § 392-320-005, filed 7/23/96, effective 8/23/96; 94-07-102 (Order 94-03), § 392-320-005, filed 3/18/94, effective 4/18/94.]

WAC 392-320-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the operation of the administrator internship program, including the conditions for the use of state moneys for such purpose by educational service districts and school districts of the state.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-010, filed 3/18/94, effective 4/18/94.]

WAC 392-320-015 Definition—Administrator intern. As used in this chapter, the term "administrator intern" means a school employee selected for a principal or superintendent certification internship for release time not to exceed the equivalent of forty-five school days, as defined in WAC 392-121-033, and who is enrolled in a state board of education approved administrator preparation program, pursuant to chapter 180-78 WAC.

[Statutory Authority: RCW 28A.415.300. 96-15-115 (Order 96-08), § 392-320-015, filed 7/23/96, effective 8/23/96; 94-07-102 (Order 94-03), § 392-320-015, filed 3/18/94, effective 4/18/94.]

WAC 392-320-020 Definition—Mentor administrator. As used in this chapter, the term "mentor administrator" means a school district administrator in a like-role selected by a school district to provide supervision of an administrator intern.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-020, filed 3/18/94, effective 4/18/94.]

WAC 392-320-025 Definition—Release time cost. As used in this chapter, the term "release time cost" shall mean an amount paid by a school district to release an administrator intern completing an administrator certification field experience. The maximum amount shall not exceed the school district actual daily substitute teacher rate, to include salary and benefits, for the equivalent of forty-five student days.

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[Statutory Authority: RCW 28A.415.300. 96-15-115 (Order 96-08), § 392-320-025, filed 7/23/96, effective 8/23/96; 94-07-102 (Order 94-03), § 392-320-025, filed 3/18/94, effective 4/18/94.]

WAC 392-320-030 Definition—Educational service district internship advisory board. As used in this chapter, the term educational service district advisory board means a board or committee composed of representatives of the public, school district administrators, principals, teachers, and colleges having state board of education approved administrator programs. The advisory board shall advise in the establishment of the educational service district intern selection criteria and process. An existing educational service district in-service committee or task force may serve as the educational service district internship advisory board provided it includes the membership described herein.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-030, filed 3/18/94, effective 4/18/94.]

WAC 392-320-035 Incorporation by reference of state board of education rules. The rules of the state board of education set forth in WAC 180-78-266 which consist of the administrator internship standards shall likewise govern the administrator internship program administered by the superintendent of public instruction.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-035, filed 3/18/94, effective 4/18/94.]

WAC 392-320-040 Administrator intern selection process. The process for selecting administrator interns shall be as follows:

(1) Any school district employee eligible for this program may apply in writing to the school district superintendent, or his/her designee to be an administrator intern.

(2) Each school district shall determine which applicants meet its internship criteria, provided that applicants must be enrolled in and recommended by a state board of education program approved for principal or superintendent certification.

(3) The school district shall agree to provide each intern release time not to exceed the equivalent of forty-five student days and name a mentor administrator to supervise each intern.

(4) The school district shall send the regional educational service district superintendent the following: School district criteria for intern selection, nominee name, position title, address, college/university in which the nominee is enrolled in, intern role (i.e., principal or superintendent), proposed internship site, minority and gender status, the actual, daily substitute teacher rate, agreement to comply with state board of education internship standards requirement, the amount of internship funds requested, agreement to comply with administrator internship program rules (chapter 392-320 WAC), mentor administrator name, title and position, and other information requested by the educational service district.

(5) The educational service district internship advisory board shall review the school district intern nominee applications for compliance with the educational service district internship criteria and make recommendations for approval to the educational service district superintendent.

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(6) The educational service district superintendent shall notify the local district, the respective college or university, and the applicant of their selection status and forward a copy of the information cited in subsection (4) of this section for each selected intern to the superintendent of public instruction.

[Statutory Authority: RCW 28A.415.300. 96-15-115 (Order 96-08), § 392-320-040, filed 7/23/96, effective 8/23/96; 94-07-102 (Order 94-03), § 392-320-040, filed 3/18/94, effective 4/18/94.]

WAC 392-320-045 Administrator internship allocation. Internship funds shall be allocated as follows:

(1) The superintendent of public instruction shall allocate administrator internship funding to each educational service district based on the percentage of public school students enrolled in each educational service district.

(2) Prior to allocating funding to a school district, the educational service district may retain sufficient moneys needed to implement the administrator internship program, including costs of the educational service district internship advisory board. The superintendent of public instruction shall determine the maximum dollar amount each educational service district may retain. In accordance with superintendent of public instruction memorandum No. 1-92M, each educational service district shall retain up to nine percent of their allocation to carry out their internship program responsibilities.

(3) By October 1 of each fiscal year, all educational service districts shall report to the superintendent of public instruction the following:

(a) If they will have unspent internship funding (and the amount of such funding) to reallocate to other educational service districts; or

(b) If they need additional internship funding, including the number of interns and the amount requested for each intern.

The superintendent of public instruction shall reallocate such funding among the requesting educational service districts, provided that if the requests exceed the total amount available, the superintendent of public instruction shall divide the amount available proportionately among the educational service districts needing additional funding.

(4) After selecting the interns, the educational service district shall reimburse the employing school district based on the actual release time cost.

(5) Administrator internship reimbursements to each school district may be used in a variety of ways to accommodate flexible implementation in releasing interns. Participating school districts shall receive allocations for a maximum of forty-five school days. Local districts shall not be reimbursed for other costs associated with implementing this program.

(6) Unexpended administrator intern funds shall revert to the state general fund.

[Statutory Authority: RCW 28A.415.300. 96-15-115 (Order 96-08), § 392-320-045, filed 7/23/96, effective 8/23/96; 94-07-102 (Order 94-03), § 392-320-045, filed 3/18/94, effective 4/18/94.]

WAC 392-320-050 Annual report. The superintendent of public instruction shall prepare an annual report on the administrator internship program based on the following

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information which shall be provided by each educational service district:

(1) Educational service district criteria for selecting interns.

(2) Data and information for each selected intern cited in WAC 392-320-040(4).

(3) Fiscal report, including allocations to participating districts for release time costs.

(4) Composition of educational service district internship advisory board.

(5) Recommendations, if any, for program revisions.

(6) Other information deemed necessary by the superintendent of public instruction.

[Statutory Authority: RCW 28A.415.300. 96-15-115 (Order 96-08), § 392-320-050, filed 7/23/96, effective 8/23/96; 94-07-102 (Order 94-03), § 392-320-050, filed 3/18/94, effective 4/18/94.]

WAC 392-320-055 Carryover prohibition. State moneys allocated to educational service districts and districts for the administrator internship program shall be subject to the carryover prohibition of WAC 392-122-900.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-055, filed 3/18/94, effective 4/18/94.]

WAC 392-320-060 Maximum control factor—Proration. State moneys distributed to educational service districts and districts for the administrator internship program shall be subject to the proration provision of WAC 392-122-905 if the current program appropriation to the superintendent of public instruction is adversely affected by action of the legislature after the commencement of the ensuing school year.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-060, filed 3/18/94, effective 4/18/94.]

Chapter 392-330 WAC

STATE MAGNET SCHOOL PROGRAM

WAC

392-330-010	Authority.
392-330-020	Purpose.
392-330-030	Definitions.
392-330-040	Policy.
392-330-050	Eligibility.
392-330-060	Information—Forms.
392-330-070	Annual report.
392-330-080	Advisory committee.

WAC 392-330-010 Authority. The authority for this chapter is RCW 28A.150.290 which together with RCW 28A.150.370 authorizes the superintendent of public instruction to adopt rules for the establishment and administration of compensatory programs and other special programs.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-010, filed 5/23/94, effective 6/23/94.]

WAC 392-330-020 Purpose. The purpose of this chapter is to set forth policies and procedures for the administration of the magnet school projects program, including the establishment of criteria for the award of grants to an eligible school district.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-020, filed 5/23/94, effective 6/23/94.]

WAC 392-330-030 Definitions. The following terms are defined for purposes of this program as follows:

(1) "Minority" refers to those racial/ethnic categories as defined on the School Enrollment Report Form SPI P-105.

(2) "Eligible school district" means a school district which can demonstrate racial imbalance based on WAC 180-26-025 or is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of the state of Washington, or any other state agency or official of competent jurisdiction, and that requires the desegregation of children or faculty in the elementary and secondary schools of such agency; or without having been required to do so, has adopted and is implementing or will implement such a plan for the desegregation of children or faculty in such schools.

(3) "Feeder school" refers to a school from which students are drawn to attend a magnet school program.

(4) "Magnet school program" means a school, education center or program that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds and increasing the interaction among students or different social, economic, ethnic and racial backgrounds.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-030, filed 5/23/94, effective 6/23/94.]

WAC 392-330-040 Policy. The public policy goals of the magnet school projects are to:

(1) Reduce, eliminate, continue to assist in preventing racial imbalance or prevent minority group isolation within the period of the grant award or allocation period either in the magnet school or in a feeder school, as appropriate;

(2) Preclude increases in the minority enrollment, at the magnet school or at any feeder school, above the district-wide percentage of minority students at the grade levels corresponding to those served by that magnet school;

(3) Foster interaction among students of different social, economic, ethnic and racial backgrounds in classroom activities, extracurricular activities, or other activities in the magnet schools;

(4) Address the educational needs of the students who will be enrolled in the magnet schools;

(5) Encourage greater parental teacher and community involvement and decision making;

(6) Evaluate the effectiveness of the magnet school pilot project and whether funding should be continued, expanded or discontinued.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-040, filed 5/23/94, effective 6/23/94.]

WAC 392-330-050 Eligibility. (1) Applicant eligibility for magnet school project funding shall be based on magnet program enrollment numbers and percentages for minority and nonminority group students, for each magnet school/program for which funding is sought and each feeder school for the:

(a) School year prior to the creation of each magnet school;

(b) School year in which the application is submitted and for each of the school years of the proposed grant cycle;

(c) District-wide enrollment numbers and percentages for minority group students in the local school district's

schools, for grade levels involved in the applicants' magnet schools; and

(d) Calculation that, but for the establishment of a magnet pilot program, or for the continuation of a magnet pilot program or other student assignment efforts the enrollment of the school/program would be racially imbalanced as defined in WAC 180-26-025.

(2) Funds shall be awarded by the superintendent of public instruction or designee based on the ranking of the applicant districts evaluated on the following criteria:

(a) Degree of racial imbalance in the proposed project school, or for racial imbalance but for magnet and other student assignment efforts - fifteen points;

(b) Nature of the proposed program and extent to which it meets goals set forth in WAC 392-330-040 - forty-five points;

(c) Elements of the proposed program which support interaction among students of diverse minority and ethnic groups - twenty-five points;

(d) Strength of the evaluation component for the pilot project - ten points;

(e) Nature and extent of local resources committed to the project - five points.

A district must receive a minimum of sixty-five points to be eligible for funding consideration.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-050, filed 5/23/94, effective 6/23/94.]

WAC 392-330-060 Information—Forms. An eligible district's application shall be on forms provided by the superintendent of public instruction and shall contain at a minimum the following information:

(1)(a) Degree of racial imbalance in the proposed project school or for racial imbalance but for magnet and other student assignment efforts;

(b) Nature of the proposed program and the extent to which it meets the goals set forth in WAC 392-330-040; and

(c) Elements of the proposed program which support interaction among students of diverse minority and ethnic groups.

(2) The desired outcomes for each magnet program, including but not limited to, increased student achievement and desegregation of students;

(3) The design of the evaluation of the project that will produce quantifiable results which will be used to determine the success of the project in meeting the intended outcomes including but not limited to increased student achievement and desegregation of students;

(4) Identify efforts of the school district to collaborate with institutions of higher education, community-based organizations, civic organizations, municipal agencies and appropriate state agencies;

(5) Set forth the personnel plan including how personnel assigned to the magnet school program will be utilized to complete the tasks and achieve the project objectives;

(6) The district's expenditure plan for the application of funds allocated pursuant to this chapter; and

(7) Identify resources which the district may use to continue support for the magnet school activities when assistance under this program is no longer available.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-060, filed 5/23/94, effective 6/23/94.]

WAC 392-330-070 Annual report. Each school district awarded magnet school funds shall submit an annual report to the superintendent of public instruction on or before July 1st. The report shall evaluate the components set forth in WAC 392-330-050 and include an assessment of how well the outcomes were achieved and the impact of the project on student desegregation. The report also shall provide an accounting of how the magnet school project funds were expended.

Failure to submit an annual report which evaluates the components set forth in WAC 392-330-050 shall disqualify the participating school district from receiving magnet school funds for the next school year.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-070, filed 5/23/94, effective 6/23/94.]

WAC 392-330-080 Advisory committee. Each school district participating in the magnet school project shall organize a local advisory committee. The purpose of the committee is to advise the school district in the development and operation of its magnet school program. The committee shall be comprised of not less than thirteen members and is to include representatives from the following groups: School principals, teachers, parents, municipal and community representatives, and students. This committee is to be representative of the local community and its gender and ethnic composition.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-080, filed 5/23/94, effective 6/23/94.]

Chapter 392-335 WAC

PUPILS—UNIFORM ENTRY QUALIFICATIONS

(Formerly chapter 180-39 WAC)

WAC

392-335-005	Authority and purpose.
392-335-010	Uniform entry age for kindergarten.
392-335-015	Uniform entry age for first grade.
392-335-020	Kindergarten experience qualification for first grade.
392-335-025	Local option exceptions to uniform entry qualification.

WAC 392-335-005 Authority and purpose. This chapter is adopted pursuant to authority vested in the state board of education by RCW 28A.225.160 which authorizes the state board of education to establish uniform entry qualifications.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-335-005, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-39-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.58.190. 83-13-004 (Order 5-83), § 180-39-005, filed 6/2/83.]

WAC 392-335-010 Uniform entry age for kindergarten. Except as provided in WAC 180-39-025, a child must be five years of age as of midnight August 31 of the year of entry to be entitled to enter kindergarten.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-335-010, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.58.190. 83-13-004 (Order 5-83), § 180-39-010, filed 6/2/83.]

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WAC 392-335-015 Uniform entry age for first grade.

Except as provided in WAC 180-39-020 and 180-39-025, a child must be six years of age as of midnight August 31 of the year of entry to be entitled to enter first grade.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-335-015, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.58.190. 83-13-004 (Order 5-83), § 180-39-015, filed 6/2/83.]

WAC 392-335-020 Kindergarten experience qualification for first grade.

Any child not otherwise eligible for entry to first grade who successfully has completed a kindergarten program in a public or private school shall be permitted entry to the school program: Provided, That the kindergarten program standards substantially equaled or exceeded the applicable basic education program requirements of RCW 28A.150.220 and WAC 180-16-200 through 180-16-220, each as now or hereafter amended: Provided further, That if the district of entry has reason to believe that an individual child so qualified may not succeed in the district's first grade program, the district shall have the option of placing the child in either kindergarten or the first grade for evaluation in the areas specified in WAC 180-39-025 and a final determination of the child's appropriate grade level placement no later than the thirtieth calendar day following the child's first day of attendance.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-335-020, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-39-020, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.58.190. 83-13-004 (Order 5-83), § 180-39-020, filed 6/2/83.]

WAC 392-335-025 Local option exceptions to uniform entry qualification.

School districts may adopt regulations that provide for individual exceptions to the uniform entry qualifications established by this chapter. Such regulations shall provide for a screening process and/or instrument(s) which measure the ability or the need, or both, of an individual student to succeed in earlier entry.

Note: See also RCW 28A.225.160 for provisions relating to preadmission screening process fees and fee waivers.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-335-025, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.225.160. 98-05-004, § 180-39-025, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.58.190. 83-13-004 (Order 5-83), § 180-39-025, filed 6/2/83.]

Chapter 392-340 WAC

SCHOOL DISTRICT ORGANIZATION

(Formerly chapter 180-24 WAC)

WAC

PART A GENERAL

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392-340-007	Purpose and policy of chapter.
392-340-00701	Regional committee decision-making criteria.
392-340-009	Constitutional and statutory framework.

PART B

REGIONAL COMMITTEES ON SCHOOL DISTRICT ORGANIZATION

392-340-105	Election of regional committee members—Applicable provisions.
392-340-110	Election of regional committee members—Election officer.

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392-340-115	Election of regional committee members—Dissolution—Position numbers—Initial elections—Regular elections—Terms of office.
392-340-120	Election of regional committee members—Tentative certification of electors.
392-340-125	Election of regional committee members—Call for election—Regional committee members.
392-340-130	Election of regional committee members—Candidates—Eligibility—Filing.
392-340-135	Election of regional committee members—Declaration and affidavit of candidacy form.
392-340-140	Election of regional committee members—Biographical data form.
392-340-145	Election of regional committee members—Withdrawal of candidacy.
392-340-150	Election of regional committee members—Ballots—Contents.
392-340-155	Election of regional committee members—Ballots and envelopes—Mailing to voters.
392-340-160	Election of regional committee members—Voting—Marking and return of ballots.
392-340-165	Election of regional committee members—Election board—Appointment and composition.
392-340-170	Election of regional committee members—Receipt of ballots and count of votes.
392-340-175	Election of regional committee members—Ineligible votes.
392-340-180	Election of regional committee members—Recount of votes cast—Automatic or by request.
392-340-185	Election of regional committee members—Certification of election.
392-340-190	Election of regional committee members—Run-off elections.
392-340-195	Notification to the superintendent of public instruction of regional committee meetings.
392-340-197	Regional committee responsibility—Assistance of superintendent of public instruction.

PART C TRANSFER OF TERRITORY

392-340-205	Transfer of territory—Procedures and timelines.
392-340-207	Transfer of territory—Other district requirements.
392-340-209	Transfer of territory—Sufficiency of written record for appeal to the superintendent of public instruction—Referral of case back to regional committee.
392-340-210	Adjustment of assets and liabilities—Considerations.
392-340-213	Student enrollment effective under approved transfer of territory.
392-340-220	Action by the superintendent of public instruction—When.
392-340-225	Frequency of petitions—Limitation.
392-340-335	Election of regional committee members—Certification of electors.

PART A GENERAL

WAC 392-340-003 Authority. The general authority for this chapter is RCW 28A.305.130(10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), and 28A.315.205(3).

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-003, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-003, filed 12/1/99, effective 1/1/00. Statutory Authority: 1990 c 33. 90-17-009, § 180-24-003, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120(9). 87-04-059 (Order 1-87), § 180-24-003, filed 2/4/87.]

WAC 392-340-007 Purpose and policy of chapter. (1) The purpose of this chapter is the same as set forth under RCW 28A.315.015(1).

(2) It is the policy of the state that decisions on changes in school district boundaries should be made by the affected districts whenever possible. When this is not possible the decision shall be made by the appropriate regional committee

on school district organization consistent with the following policies:

(a) A balance of local petition requests and the needs of the statewide community at-large in a manner that advances the best interest of public education (see RCW 28A.315.015 (2)(a) for full text);

(b) Contributing to logical service boundaries (see RCW 28A.315.015 (2)(b) for full text);

(c) Enhancing the educational opportunities of pupils (see RCW 28A.315.015 (2)(c) for full text); and

(d) Promoting a wiser use of public funds (see RCW 28A.315.015 (2)(d) for full text).

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-007, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-007, filed 12/1/99, effective 1/1/00. Statutory Authority: 1990 c 33. 90-17-009, § 180-24-007, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120(9). 87-04-059 (Order 1-87), § 180-24-007, filed 2/4/87.]

WAC 392-340-00701 Regional committee decision-making criteria. (1) The regional committee shall give consideration to all of the following criteria when reviewing the proposed transfer of territory:

(a) Student educational opportunities (see RCW 28A.315.205 (4)(a) for full text);

(b) Safety and welfare of pupils (see RCW 28A.315.205 (4)(b) for full text);

(c) History and relationship of the property affected to the students and communities affected (see RCW 28A.315.205 (4)(c) for full text). "Communities affected" includes all citizens living within the territory proposed to be transferred, all other citizens residing within the school district from which the proposed territory will be transferred, all citizens living within the immediate locale/neighborhood of which the proposed territory will become part, and all citizens residing within the school district to which the proposed territory will be transferred;

(d) Geographic accessibility (see RCW 28A.315.205 (4)(d) for full text);

(e) Disparities in per pupil valuation, economies of operation and transportation costs (see RCW 28A.315.205 (4)(e) for full text); and

(f) Other criteria or considerations as may be established in rule by the superintendent of public instruction. (RCW 28A.315.015 (2)(e).)

(2) The boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.

(3) Under RCW 28A.315.205(4), "geographic accessibility" includes, but is not limited to, consideration of the following factors:

(a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.

(b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.

(c) The extent and nature of roads, highways, ferries, and traffic patterns.

(d) Climatic conditions.

(e) Time required to travel to and from school.

(4) In considering student educational opportunities under subsection (1)(a) of this section, the regional committee shall not consider one set of test scores, alone, as a sufficient basis to make a judgment about student educational opportunities. Test scores in the districts affected by the proposed transfer of territory shall be looked at in context, including over time and by disaggregating the scores by student subgroups.

(5) In considering geographic accessibility under subsection (1)(d) of this section, the regional committee shall make one judgment on geographic accessibility, regardless of how many individual components may apply to the particular transfer of territory petition.

(6) Each regional committee shall use the same criterion checklist included in the *Lay Person's Guide to School District Boundaries* and published on the superintendent of public instruction web site.

(7) If a regional committee needs to continue a public hearing or schedule more than one additional hearing on a proposed transfer of territory, each such hearing is subject to public notice requirements.

(8) Regional committees shall use the decision format (motion) included in the *Lay Person's Guide to School District Boundaries* and published on the superintendent of public instruction web site.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-00701, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.305.130(10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195. 05-19-112, § 180-24-00701, filed 9/20/05, effective 10/21/05. Statutory Authority: Chapter 28A.315 RCW. 03-23-040, § 180-24-00701, filed 11/12/03, effective 12/13/03. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-00701, filed 12/1/99, effective 1/1/00.]

WAC 392-340-009 Constitutional and statutory framework. See RCW 28A.315.005.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-009, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-009, filed 12/1/99, effective 1/1/00.]

PART B REGIONAL COMMITTEES ON SCHOOL DISTRICT ORGANIZATION

WAC 392-340-105 Election of regional committee members—Applicable provisions. In addition to the provisions of RCW 28A.315.105 through 28A.315.145, the provisions of WAC 392-340-105 through 392-340-190 shall apply to the election of regional committee members.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-105, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-105, filed 12/1/99, effective 1/1/00.]

WAC 392-340-110 Election of regional committee members—Election officer. In accordance with RCW 28A.315.125, the educational service district superintendent shall serve as the election officer for the coordination and

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conduct of the election of members of the respective regional committees of the educational service districts.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-110, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, amended and recodified as § 180-24-110, filed 12/1/99, effective 1/1/00. Statutory Authority: 1990 c 33. 90-17-009, § 180-24-305, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120(9). 87-04-059 (Order 1-87), §§ 180-24-110 and 180-24-305, filed 2/4/87.]

WAC 392-340-115 Election of regional committee members—Dissolution—Position numbers—Initial elections—Regular elections—Terms of office. (1) Elections for members of regional committees shall be conducted within the time periods noted in WAC 392-340-120 through 392-340-190.

(2) Regional committee member position numbers shall be assigned by the educational service district superintendent for purposes of all elections held pursuant to RCW 28A.315.-125. For the election of a new regional committee following a change in the number of educational service districts or board members, regional committee member positions one, three, five, seven, and nine shall be for a term of two years, positions two, four, six, and eight shall be for a term of four years.

(3) Regular elections of regional committee members shall be conducted in even-numbered years for four-year terms and until their successors are certified as elected: Provided, That whenever a change in the number of educational service districts or board members occurs, a new regional committee shall be elected for each affected educational service district at the next regular election.

(4) Those regional committee members serving within an educational service district affected by the change shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new regional committee has been elected and certified at the next regular election.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-115, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, amended and recodified as § 180-24-115, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.305.130(10), 28A.315.010(1) and 1993 c 416. 94-13-018, § 180-24-310, filed 6/3/94, effective 7/4/94. Statutory Authority: RCW 28A.04.120(9). 87-04-059 (Order 1-87), §§ 180-24-1150 and 180-24-310, filed 2/4/87.]

WAC 392-340-120 Election of regional committee members—Tentative certification of electors. (1) On September twenty-first of each even-numbered year, or if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date, the educational service district superintendent shall certify a tentative list of electors consisting of all persons eligible to vote, per RCW 28A.315.-125, if the election were held on that date.

(2) The list of eligible voters as authorized by RCW 28A.315.125(x) shall remain open for changes until 5:00 p.m. October twenty-sixth or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The educational service

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district superintendent as soon thereafter as is practical shall certify the list of electors.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-120, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, amended and recodified as § 180-24-120, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.305.130(10), 28A.315.010(1) and 1993 c 416. 94-13-018, § 180-24-312, filed 6/3/94, effective 7/4/94. Statutory Authority: 1990 c 33. 90-17-009, § 180-24-312, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120(9). 87-04-059 (Order 1-87), §§ 180-24-120 and 180-24-312, filed 2/4/87.]

WAC 392-340-125 Election of regional committee members—Call for election—Regional committee members. On or before September twenty-fifth of each even-numbered year, the educational service district superintendent shall call for an election for the purpose of electing members of the regional committee for those positions whose term of office expires in January of the following year. Such notice shall be sent to each eligible voter and shall contain instructions and a copy of the pertinent rules and regulations for the conduct of the election.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-125, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, amended and recodified as § 180-24-125, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.305.130(10), 28A.315.010(1) and 1993 c 416. 94-13-018, § 180-24-315, filed 6/3/94, effective 7/4/94. Statutory Authority: RCW 28A.04.120(9). 87-04-059 (Order 1-87), §§ 180-24-125 and 180-24-315, filed 2/4/87.]

WAC 392-340-130 Election of regional committee members—Candidates—Eligibility—Filing. (1) Eligibility. A person is eligible to be a candidate for membership on the regional committee if he or she is a registered voter and a resident of the committee member district for which the candidate files. Eligibility is restricted pursuant to RCW 28A.315.115.

(2) Forms for filing. A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 392-340-135; and

(b) The biographical data form provided for in WAC 392-340-140: Provided, That a declarant may elect not to submit biographical data.

(3) Filing period. The filing period for candidates for a position on a regional committee is from October first through October fifteenth of each even-numbered year. Any declaration of candidacy that is not received by the educational service district superintendent on or before 5:00 p.m. October fifteenth shall not be accepted and such a declarant shall not be a candidate: Provided, That any declaration that is postmarked on or before midnight October fifteenth and received by mail on or before 5:00 p.m. October twentieth shall be accepted: Provided further, That any declaration received pursuant to the United States mail on or before 5:00 p.m. October twentieth that is not postmarked or legibly postmarked shall also be accepted.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-130, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125,

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amended and recodified as § 180-24-130, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.305.130(10), 28A.315.010(1) and 1993 c 416. 94-13-018, § 180-24-320, filed 6/3/94, effective 7/4/94. Statutory Authority: 1990 c 33. 90-17-009, § 180-24-320, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120(9). 87-04-059 (Order 1-87), §§ 180-24-130 and 180-24-320, filed 2/4/87.]

WAC 392-340-135 Election of regional committee members—Declaration and affidavit of candidacy form.

The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I,, solemnly swear (or affirm): That I reside within the boundary of Educational Service District No., within the boundary of regional committee member district No., and am a registered voter of the same regional committee member district; That I am aware that, if elected, I cannot concurrently serve as the superintendent of public instruction, a member of the state board of education, an educational service district superintendent, a member of a board of directors of a school district, a member of an educational service district board, a member of a governing board of either a private school or a private school district which conducts any grades kindergarten through twelve, an officer appointed by any such governing board, an employee of a school district, an employee of an educational service district, an employee of the office of the superintendent of public instruction, an employee of a private school, or an employee of a private school district; and That I hereby declare myself a candidate for membership on Educational Service District No. Regional Committee on school district organization for a term of four years beginning the second Monday in January, 19. . . ., subject to the election to be held pursuant to law and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the state of Washington.

(Signed)
Address:

SUBSCRIBED and sworn (or affirmed) to before me this.
.. day of., 19. . . .

.
NOTARY PUBLIC in and for the
state of Washington, residing at
.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-135, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-135, filed 12/1/99, effective 1/1/00.]

WAC 392-340-140 Election of regional committee members—Biographical data form. The educational service district superintendent shall provide a biographical data form not exceeding two letter size typewritten pages in length which each candidate may complete. Completed forms submitted to the educational service district superintendent by a candidate must be camera ready. Biographical data forms shall be reproduced as submitted and distributed by the

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superintendent with the ballots to each voter. The biographical data form shall require no more information from the candidate than the candidate's name and address and the regional committee district number for which the candidate is filing.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-140, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, amended and recodified as § 180-24-140, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.04.120(9). 87-04-059 (Order 1-87), §§ 180-24-140 and 180-24-327, filed 2/4/87.]

WAC 392-340-145 Election of regional committee members—Withdrawal of candidacy. (1) Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the educational service district superintendent on or before 5:00 p.m. October twentieth. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

(2) A regional committee member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in WAC 392-340-130.

(3) Board-member district positions which become vacant after the call of election specified in WAC 392-340-125 shall be filled by appointment by the regional committee pursuant to RCW 28A.315.135 and the appointee shall serve until his or her successor has been elected at the next election called by the educational service district superintendent.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-145, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-145, filed 12/1/99, effective 1/1/00.]

WAC 392-340-150 Election of regional committee members—Ballots—Contents. Ballots shall be prepared by the educational service district superintendent. The ballot for the position subject to election pursuant to this chapter shall contain the names of each candidate eligible for the position. There shall be a separate listing of the candidates for each regional committee member district open in the particular educational service district. The educational service district superintendent shall develop voting instructions which shall accompany the ballots.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-150, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-150, filed 12/1/99, effective 1/1/00.]

WAC 392-340-155 Election of regional committee members—Ballots and envelopes—Mailing to voters. (1) On or before November first ballots shall be mailed to voters together with two envelopes to be used for voting. The outer and larger envelope (i.e., official ballot envelope) shall:

- (a) Be labeled "official ballot";
- (b) Be preaddressed with the educational service district superintendent as addressee;
- (c) Have provision for prepaid postage; and
- (d) Have provision for the identification of the voter, mailing address, his or her school district, and educational service district.

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The inner and smaller envelope shall be unlabeled and unmarked.

(2) One ballot and two envelopes to be used for voting purposes and pertinent instructions for voting purposes shall be mailed to each member of a public school district board of directors as certified by the educational service district superintendent pursuant to WAC 392-340-145.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-155, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-155, filed 12/1/99, effective 1/1/00.]

WAC 392-340-160 Election of regional committee members—Voting—Marking and return of ballots. (1) The election shall be conducted in strict accordance with the requirements of RCW 28A.315.125.

(2) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each regional committee district named on his or her ballot by placing an "X," or other mark, in the space provided next to the name of a candidate.

(3) Return of ballots. Each member of a public school district board of directors shall complete voting by:

(a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;

(b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;

(c) If not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district, and educational service district;

(d) Placing the official ballot envelope in the United States mail to the superintendent of the educational service district.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-160, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-160, filed 12/1/99, effective 1/1/00.]

WAC 392-340-165 Election of regional committee members—Election board—Appointment and composition. In each election the educational service district board shall appoint a three member election board and at least one alternate who shall serve in the absence of a regular member of the election board. Votes cast at elections conducted pursuant to this chapter shall be counted by the educational service district superintendent or his or her designee and the election board.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-165, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-165, filed 12/1/99, effective 1/1/00.]

WAC 392-340-170 Election of regional committee members—Receipt of ballots and count of votes. (1) As official ballot envelopes are received by the educational service district superintendent, a preliminary determination shall be made as to the eligibility of the voter, and a record shall be

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made on a list of eligible voters that the voter has voted. Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2) The election board shall convene for the purpose of counting votes after November twenty-first and not later than November twenty-fifth or the next business day if the twenty-fifth falls on a Saturday, Sunday, or legal holiday at a date, time and place designated by the educational service district superintendent. Official ballot envelopes that are accepted by the election board shall be opened, and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(3) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

(4) Each vote cast shall count as one full vote, and a candidate shall be elected by a majority of the total votes cast for all candidates for the particular position.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-170, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-170, filed 12/1/99, effective 1/1/00.]

WAC 392-340-175 Election of regional committee members—Ineligible votes. The following ballots and votes shall not be declared void and shall not be accepted:

- (1) Votes for write-in candidates;
- (2) Votes cast on other than an official ballot provided pursuant to this chapter;
- (3) Ballots which contain a vote for more than one candidate in a regional committee member district;
- (4) Ballots contained in other than an official ballot envelope provided pursuant to this chapter;
- (5) Ballots contained in an official ballot envelope upon which the voter's name is not designated;
- (6) Ballots received after 5:00 p.m. November sixteenth: Provided, That any ballot that is postmarked on or before midnight November sixteenth and received prior to the initial counting of votes by the election board shall be accepted: Provided further, That any ballot received pursuant to the United States mail on or before 5:00 p.m. on November twenty-first that is not postmarked or legibly postmarked shall also be accepted; and
- (7) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-175, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-175, filed 12/1/99, effective 1/1/00.]

WAC 392-340-180 Election of regional committee members—Recount of votes cast—Automatic or by request. (1) Automatic. A recount of votes cast shall be automatic if the difference between any two viable candidates for the same position is one vote or less than one percent of votes cast for the position, whichever is greater. For the purpose of this section, the term viable candidate shall mean any candi-

date whose election outcome could be changed if the difference noted above were added to his or her total votes.

(2) Upon request. A recount of votes cast shall be afforded any candidate as a matter of right: Provided, That the request shall be made in writing and received by the educational service district superintendent within seven calendar days after the date upon which the votes were counted by the election board.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-180, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-180, filed 12/1/99, effective 1/1/00.]

WAC 392-340-185 Election of regional committee members—Certification of election. Within ten calendar days after the date upon which the votes were counted, the educational service district superintendent shall officially certify to the superintendent of public instruction the name or names of the candidate(s) elected to membership on the regional committee.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-185, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-185, filed 12/1/99, effective 1/1/00.]

WAC 392-340-190 Election of regional committee members—Run-off elections. (1) If no candidate receives a majority of the votes cast, then, not later than the first day of December, the educational service district superintendent shall call a second election to be conducted in the same manner as the first election and at which the candidates shall be the two candidates receiving the highest and next highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of December, or if not postmarked or the postmark is not legible, if received by mail after 5:00 p.m. of the twenty-first day of December. Votes cast at the second election shall be counted in accordance with WAC 392-340-165 through 392-340-180 prior to the second Monday of January next following. The candidate receiving a majority of the votes cast at any such second election shall be declared elected.

(2) In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the educational service district superintendent.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-190, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 sp.s. c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-190, filed 12/1/99, effective 1/1/00.]

WAC 392-340-195 Notification to the superintendent of public instruction of regional committee meetings. The secretary of each regional committee—i.e., the educational service district superintendent—shall notify the superintendent of public instruction of all meetings of the regional committee.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-195, filed 8/8/06, effective 9/8/06. Statutory Author-

ity: RCW 28A.305.130(10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.-195. 05-19-112, § 180-24-195, filed 9/20/05, effective 10/21/05. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-195, filed 12/1/99, effective 1/1/00.]

WAC 392-340-197 Regional committee responsibility—Assistance of superintendent of public instruction. The superintendent of public instruction shall assist the regional committees by providing technical assistance, training, and other support the state superintendent deems necessary or as may be requested by the regional committee.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-197, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-197, filed 12/1/99, effective 1/1/00.]

PART C TRANSFER OF TERRITORY

WAC 392-340-205 Transfer of territory—Procedures and timelines. The procedures and timelines governing proposed transfers of territory shall be governed by the provisions of RCW 28A.315.195 through 28A.315.215.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-205, filed 8/8/06, effective 9/8/06. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-205, filed 12/1/99, effective 1/1/00. Statutory Authority: 1990 c 33. 90-17-009, § 180-24-205, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.130 and 28A.04.120(9). 89-22-005, § 180-24-205, filed 10/20/89, effective 11/20/89.]

WAC 392-340-207 Transfer of territory—Other district requirements. (1) At least one member of each school board whose district is affected by a proposed transfer of territory must be part of the respective district's negotiating team.

(2)(a) Upon reaching a decision recommendation through the district-to-district negotiation process on a proposed transfer of territory, the negotiating parties shall produce, at a minimum, a written summary of the recommendation, including rationale for the recommendation, and submit to the respective affected school district boards of directors.

(b) Each school board of directors shall adopt at a public meeting of the board a written resolution indicating whether the board approves or disapproves the recommendation on the proposed transfer of territory. The resolution format included in the *Lay Person's Guide to School District Boundaries* and published on the superintendent of public instruction web site shall be used.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-207, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.305.130(10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.-195. 05-19-112, § 180-24-207, filed 9/20/05, effective 10/21/05.]

WAC 392-340-209 Transfer of territory—Sufficiency of written record for appeal to the superintendent of public instruction—Referral of case back to regional committee. (1) For purposes of review by the superintendent of public instruction, the record of regional committee proceedings must be sufficient to allow the superintendent of public instruction to determine what facts the regional com-

mittee relied on in applying the required statutory and regulatory criteria. Evidence of facts relied on may be contained in the written findings required in RCW 28A.315.205(2) or in a written verbatim transcript of the proceedings, or elsewhere in the record.

(2) When referring a transfer of territory case back to the originating regional committee, the superintendent of public instruction will make every effort to submit the written referral within fourteen days of a decision.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-209, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.305.130(10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.-195. 05-19-112, § 180-24-209, filed 9/20/05, effective 10/21/05.]

WAC 392-340-210 Adjustment of assets and liabilities—Considerations. (1) In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committees shall consider the factors under RCW 28A.315.245.

(2) A regional committee is authorized to phase in the adjustment of assets and liabilities over a period not less than two years nor more than eight years. This authorization is subject to the annual March 1 deadline for taxing districts to establish the taxing boundaries and rates for the ensuing tax collection year.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-210, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.305.130(10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195. 05-19-112, § 180-24-210, filed 9/20/05, effective 10/21/05. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-210, filed 12/1/99, effective 1/1/00.]

WAC 392-340-213 Student enrollment effective under approved transfer of territory. When a proposed transfer of territory has finally been approved, students in the affected territory may begin attending the appropriate school in the next logical term within the school year or beginning with the next school year, as determined by the parent(s) or legal guardian(s) of the student.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-213, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.305.130(10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195. 05-19-112, § 180-24-213, filed 9/20/05, effective 10/21/05.]

WAC 392-340-220 Action by the superintendent of public instruction—When. Pursuant to RCW 28A.315.-205(5), the superintendent of public instruction shall act on a proposed transfer of territory only when there is an appeal to the superintendent of public instruction of a decision of a regional committee.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-220, filed 8/8/06, effective 9/8/06. Statutory Authority: Chapter 28A.315 RCW. 03-23-040, § 180-24-220, filed 11/12/03, effective 12/13/03. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-220, filed 12/1/99, effective 1/1/00.]

WAC 392-340-225 Frequency of petitions—Limitation. (1) The authority for this section is RCW 28A.315.-195(4) which authorizes the superintendent of public instruc-

tion to establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(2) An educational service district superintendent may not accept a petition to transfer territory if any portion of such territory was included in a previous petition brought before the regional committee, unless five years have expired since the date of final disposition of the previous petition.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-340-225, filed 8/8/06, effective 9/8/06. Statutory Authority: Chapter 28A.315 RCW. 04-04-091, § 180-24-225, filed 2/3/04, effective 3/5/04.]

WAC 392-340-335 Election of regional committee members—Certification of electors. The list of eligible voters as authorized by RCW 28A.315.060(3) shall remain open for changes and deletions until 5:00 p.m. October twenty-sixth or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The educational service district superintendent as soon thereafter as is practical shall certify the list of electors.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-340-335, filed 8/8/06, effective 9/8/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-24-335, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120(9). 87-04-059 (Order 1-87), § 180-24-335, filed 2/4/87.]

Chapter 392-341 WAC

STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—PRELIMINARY PROVISIONS (Formerly chapter 180-25 WAC)

WAC

392-341-005	Authority.
392-341-010	Purpose.
392-341-012	Waiver of rules to facilitate alternative public works contracting procedures.
392-341-015	Definition—School facilities.
392-341-020	District application—Study and survey.
392-341-025	State study and survey—Content.
392-341-030	State study and survey—Local involvement.
392-341-035	State study and survey—Superintendent of public instruction.
392-341-037	Out of date state study and survey.
392-341-040	State study and survey—Superintendent of public instruction approval or denial.
392-341-043	Superintendent of public instruction commitment at project approval.
392-341-045	Approval criteria for state assistance.
392-341-055	Conditions applicable to district's authority to proceed.
392-341-060	Eligibility for state assistance for new construction— Definition—Contiguous school district.
392-341-065	Eligibility for state assistance for new construction— Definition—Negotiate in good faith.
392-341-070	Eligibility for state assistance for new construction— Survey of suitable school facilities in contiguous school districts that are unused or underutilized.
392-341-075	Eligibility for state assistance for new construction— Contents of survey.
392-341-080	Eligibility for state assistance for new construction— Application to superintendent of public instruction—Necessary documentation.
392-341-085	Eligibility for state assistance for new construction— Review of survey of available and suitable school plant facilities in contiguous school districts.
392-341-090	Eligibility for state assistance for new construction— Approval by the superintendent of public instruction of applicant's school district certification.
392-341-200	Forms.

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WAC 392-341-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 which authorizes the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-005, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-25-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-064 (Order 9-83), § 180-25-005, filed 10/17/83.]

WAC 392-341-010 Purpose. The purpose of this chapter is to set forth provisions applicable to a district's official application for state assistance, including conditions preceding, in the construction of school facilities.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-341-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-010, filed 11/27/85; 83-21-064 (Order 9-83), § 180-25-010, filed 10/17/83.]

WAC 392-341-012 Waiver of rules to facilitate alternative public works contracting procedures. (1) Subject to factual determinations by the superintendent of public instruction, the provisions of chapters 392-341 through 392-347 WAC which supplement statutory requirements are hereby deemed waived to the extent any provision would prevent or delay the implementation of alternative public works contracting procedures pursuant to chapter 39.10 RCW.

(2) At the request of school district officials, the superintendent of public instruction or her/his designee shall factually determine on a case-by-case basis which provisions would prevent or delay the implementation of alternative public works contracting procedures, and advise officials in writing of the extent to which one or more provisions of chapters 392-341 through 392-347 WAC are hereby deemed to have been waived.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-012, filed 7/25/06, effective 8/25/06; 01-08-040, § 180-25-012, filed 3/30/01, effective 4/30/01.]

WAC 392-341-015 Definition—School facilities. As used in this chapter, and in chapters 392-342 through 392-347 WAC, the term "school facilities" means school plant facilities, school plant projects, school buildings, common school facilities and the grounds as those terms are utilized in chapter 28A.525 RCW. Any structure not placed on a permanent foundation shall be excluded from this definition.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-015, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-25-015, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-064 (Order 9-83), § 180-25-015, filed 10/17/83.]

WAC 392-341-020 District application—Study and survey. Prior to the superintendent of public instruction consideration of state assistance in providing school facilities, the board of directors of a school district shall file with the

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superintendent of public instruction an application for each school facility project, whether new construction or modernization of an existing facility, and shall request the superintendent of public instruction to study and survey existing and proposed school facilities within the district.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-020, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-064 (Order 9-83), § 180-25-020, filed 10/17/83.]

WAC 392-341-025 State study and survey—Content.

The study and survey to be conducted by the superintendent of public instruction with the cooperation of the local school district shall include the following:

(1) An inventory and area analysis of existing school facilities within the district, a description of the types and kinds of systems and subsystems used in those facilities and their physical condition;

(2) A long-range (i.e., minimum of six years) educational and facilities plan setting forth the projected facility needs and priorities of the district based on the educational plan;

(3) Demographic data including population projections and projected economic growth and development;

(4) The ability of such district to provide capital funds by local effort;

(5) The existence of a school housing emergency;

(6) The need to improve racial balance and/or to avoid creation or aggravation of racial imbalance;

(7) The type and extent of new and/or additions to existing school facilities required and the urgency of need for such facilities;

(8) A cost/benefit analysis on the need to modernize and/or replace existing school facilities in order to meet current educational needs and the current state building code;

(9) The need and the estimated capital cost to restore, to design specifications, the major systems and subsystems in the facilities that have deteriorated due to deferred maintenance.

(10) A determination of the district's time line for completion of the school facilities project;

(11) An inventory of accessible unused or underutilized school facilities in neighboring school districts and the physical condition of such school facilities;

(12) The need for adjustments of school attendance areas among or within such districts; and

(13) Such other matters as the superintendent of public instruction deems pertinent to decision making in the allocation of funds for school facilities. Cooperation by the applicant school district in conducting the study and survey is a requisite for the superintendent of public instruction to complete the study and survey and to establish the eligibility of the district for state assistance in school facility construction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-025, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-025, filed 9/23/98, effective 10/24/98. Statutory Authority: [RCW 28A.525.020.] 91-12-058, § 180-25-025, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-04-031, § 180-25-025, filed 1/30/90, effective 3/2/90. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-025, filed 11/27/85; 83-21-064 (Order 9-83), § 180-25-025, filed 10/17/83.]

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WAC 392-341-030 State study and survey—Local involvement. When in the judgment of the superintendent of public instruction information is not readily available to complete the state study and survey or the superintendent of public instruction determines that an existing study and survey, although completed within the previous six years, is out of date, the superintendent of public instruction shall approve a district's request for state assistance to offset all or a portion of the cost of acquiring such information unless it is determined that there is no possibility that the district will be eligible for state assistance within the next seventy-two months. Such assistance shall be based on a minimum flat grant for each enrollment category plus a variable allocation based on the district's estimated gross square footage of existing school facilities and in accordance with the following schedule:

Headcount Enrollment Categories

Enrollment of 1 to 500—Minimum grant plus square footage allocation

Enrollment of 501 to 3,000—Minimum grant plus square footage allocation

Enrollment of 3,001 to 10,000—Minimum grant plus square footage allocation

Enrollment of above 10,000—Minimum grant plus square footage allocation

The dollar amount for the minimum grants and the square footage allocations for these categories shall be established annually by the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-030, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-25-030, filed 8/3/92, effective 9/3/92. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-030, filed 11/27/85; 83-21-064 (Order 9-83), § 180-25-030, filed 10/17/83.]

WAC 392-341-035 State study and survey—Superintendent of public instruction. The state study and survey, together with recommendations prepared by the superintendent of public instruction, if any, shall be transmitted to the board of directors of the affected school district(s) for written comment by such district or districts. Once the superintendent of public instruction has received the written comments of the district(s) affected, including a request for one or more project approvals pursuant to WAC 392-341-040, the state study and survey and the preliminary recommendations of the superintendent of public instruction, together with any written comments by the school district board of directors, shall undergo a final review by the superintendent of public instruction prior to action pursuant to WAC 392-341-040.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-035, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-035, filed 11/27/85; 83-21-064 (Order 9-83), § 180-25-035, filed 10/17/83.]

WAC 392-341-037 Out of date state study and survey. The state board of education, commencing January 1, 1985, or the superintendent of public instruction, commencing June 7, 2006, shall not grant approval of state assistance pursuant to WAC 392-341-040 to a district without consideration of a state study and survey conducted within the preceding six years that addresses such project.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-037, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-037, filed 11/27/85.]

WAC 392-341-040 State study and survey—Superintendent of public instruction approval or denial. Upon receipt of a request for one or more project approvals and after review of the state study and survey, together with recommendations and comments, the superintendent of public instruction shall in accordance with WAC 392-341-045 take one of the following actions:

(1) Deny approval of state assistance for the construction and/or modernization of school facilities; or

(2) Grant approval of state assistance for the construction and/or modernization of school facilities by authorizing the maximum area allowance eligible for state financial assistance for each school plant project approved and for which the superintendent of public instruction shall issue an appropriate SPI form and state any conditions that may or may not be applicable including whether eligibility was approved or denied for additional state assistance pursuant to WAC 392-343-115 for one or more approved school plant projects or whether such decision for any approved school plant project has been deferred due to insufficient factual information for a determination or due to a request by the district to present the necessary factual information to the superintendent of public instruction. Upon receipt of the superintendent of public instruction approval, the school district is authorized to prepare educational specifications pursuant to chapter 392-342 WAC. Project approval shall become null and void one year from the date of the superintendent of public instruction action unless the district:

(a) Obtains local capital funds to provide the districts share of the estimated cost;

(b) Completes the educational specifications pursuant to chapter 392-342 WAC; and

(c) Selects a site pursuant to chapter 392-342 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-040, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.-830. 85-24-047 (Order 24-85), § 180-25-040, filed 11/27/85; 85-09-059 (Order 7-85), § 180-25-040, filed 4/17/85; 83-21-064 (Order 9-83), § 180-25-040, filed 10/17/83.]

WAC 392-341-043 Superintendent of public instruction commitment at project approval. The superintendent of public instruction project approval pursuant to WAC 392-341-040 defines the type of project and the maximum allowable square footage in which the state conditionally agrees to participate. There is no commitment whatsoever by the superintendent of public instruction or the state to any project or to any amount of state assistance. The superintendent of public instruction reserves the right to amend and/or repeal any rule(s) respecting state assistance in school building construction. Such rule changes may be made regardless of the negative and/or positive impact of such changes upon the eligibility of any project for state assistance and/or the extent of eligibility of any project for state assistance.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-043, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 86-04-065 (Order 1-86), § 180-25-043, filed 2/4/86.]

[Title 392 WAC—p. 360]

WAC 392-341-045 Approval criteria for state assistance. The superintendent of public instruction shall conditionally agree to state assistance for a school facility or facilities for a school district that demonstrates the following:

(1) The existence of unhoused students which for the purpose of this section shall mean current or projected enrolled students who are in excess of the capacity calculated for existing facilities within the district pursuant to chapter 392-343 WAC: Provided, That current or projected enrolled students shall not be designated as unhoused for a high school district of application which has a student enrollment of four hundred or less in grades nine through twelve, if the students involved or affected can be served without undue inconvenience in a neighboring school, or schools of larger size and the neighboring school district has indicated a willingness to serve, and has the capacity to house the applying district high school students; and

(2) The ability of the district to provide any necessary capital funds by local effort: Provided, That the existence of unhoused students provision of subsection (1) of this section shall not be required for approval of the following school facilities projects: Interdistrict cooperative centers authorized by chapter 392-345 WAC, interdistrict transportation cooperatives authorized by chapter 392-346 WAC, and modernization and new construction authorized by chapter 392-347 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-045, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-045, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.-830. 85-09-059 (Order 7-85), § 180-25-045, filed 4/17/85; 83-21-064 (Order 9-83), § 180-25-045, filed 10/17/83.]

WAC 392-341-055 Conditions applicable to district's authority to proceed. The authorization by the superintendent of public instruction pursuant to WAC 392-341-040 for the district to proceed for particular school facilities is subject to the conditions of WAC 392-344-107. Therefore, districts receiving approval by the superintendent of public instruction pursuant to WAC 392-341-040 are on notice that until approval is granted pursuant to WAC 392-344-107 (i.e., the issuance of an appropriate SPI form by the superintendent of public instruction) the particular school facilities do not have secured funding status.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-055, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-055, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.-830. 85-24-047 (Order 24-85), § 180-25-055, filed 11/27/85; 85-09-059 (Order 7-85), § 180-25-055, filed 4/17/83.]

WAC 392-341-060 Eligibility for state assistance for new construction—Definition—Contiguous school district. As used in this chapter the term "contiguous school district" means a school district sharing a common boundary with another school district.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-341-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-060, filed 12/19/89, effective 12/19/89.]

WAC 392-341-065 Eligibility for state assistance for new construction—Definition—Negotiate in good faith. As used in this chapter the term "negotiate in good faith"

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means approach a school district with an available and suitable school facility with the intent to enter into an agreement to lease the facility.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-341-065, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-065, filed 12/19/89, effective 12/19/89.]

WAC 392-341-070 Eligibility for state assistance for new construction—Survey of suitable school facilities in contiguous school districts that are unused or underutilized. A school district applying for state assistance for new construction shall conduct a documented survey of suitable school facilities in contiguous school districts that are unused or underutilized.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-341-070, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-070, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-070, filed 12/19/89, effective 12/19/89.]

WAC 392-341-075 Eligibility for state assistance for new construction—Contents of survey. The survey required in WAC 392-341-070 shall include at a minimum:

- (1) A listing of contiguous school districts.
- (2) Name and title of each person contacted regarding availability of facilities.
- (3) A listing of available facilities including location.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-075, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-075, filed 12/19/89, effective 12/19/89.]

WAC 392-341-080 Eligibility for state assistance for new construction—Application to superintendent of public instruction—Necessary documentation. As part of the application submitted to the superintendent of public instruction, the district applying for state assistance for new construction shall include:

- (1) A copy of the survey conducted pursuant to WAC 392-341-070.
- (2) A board resolution certifying one of the following:
 - (a) No suitable space is available in any contiguous district;
 - (b) Space is available in a contiguous district but the facilities do not meet needs of the applicant district. The applicant district shall provide substantial evidence to support the unsuitability of the available facility;
 - (c) Space is available in a contiguous district but good faith negotiations did not lead to an agreement between the applicant district and the district containing the available facility. The applicant district shall provide substantial evidence to support the lack of lease agreement including a history of the negotiations and proposed offers by each district.
- (3) Other information deemed pertinent by the applicant district.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-080, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-080, filed 12/19/89, effective 12/19/89.]

(2007 Ed.)

WAC 392-341-085 Eligibility for state assistance for new construction—Review of survey of available and suitable school plant facilities in contiguous school districts. The superintendent of public instruction shall review and approve the applicant school boards certification and supporting documentation submitted pursuant to WAC 392-341-080, if the certification is complete, technically accurate, and complies with all applicable rules and regulations. Until this certification and supporting documentation is approved by the superintendent of public instruction, the school district's application for state assistance will not be given further consideration.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-085, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-085, filed 12/19/89, effective 12/19/89.]

WAC 392-341-090 Eligibility for state assistance for new construction—Approval by the superintendent of public instruction of applicant's school district certification. The superintendent of public instruction shall approve an applicant school district's certification of the unavailability of suitable school plant facilities in contiguous school districts if it is established to the superintendent of public instruction's satisfaction that vacant, available, and suitable school plant facilities neither exist nor are scheduled to exist within the foreseeable future in a contiguous school district.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-090, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-090, filed 12/19/89, effective 12/19/89.]

WAC 392-341-200 Forms. Commencing January 1, 1986, forms applicable to provisions of this chapter for school facilities requested after such date shall be as follows:

- (1) Applications for a state study and survey by a district pursuant to WAC 392-341-020 shall be designated as SPI Form D-1.
- (2) Planning grants to districts pursuant to WAC 392-341-030 shall be awarded to such districts through SPI Form D-2.
- (3) Applications for approval of a school project by a district pursuant to WAC 392-341-040 shall be designated as SPI Form D-3.
- (4) Project approval for districts pursuant to WAC 392-341-040 shall be awarded to such district through SPI Form D-4.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-341-200, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-200, filed 11/27/85.]

Chapter 392-342 WAC

STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—EDUCATIONAL SPECIFICATIONS AND SITE SELECTION

(Formerly chapter 180-26 WAC)

WAC

392-342-005	Authority.
392-342-010	Purpose.
392-342-012	Waiver of rules to facilitate alternative public works contracting procedures.
392-342-015	Educational specifications.

392-342-020	Site review and evaluation.
392-342-025	Racial imbalance prohibition—Definition and acceptance criteria.
392-342-040	District authority to proceed.
392-342-050	Option to request preliminary funding status prior to proceeding pursuant to WAC 392-342-040.
392-342-057	The superintendent of public instruction project commitment at preliminary funded status.
392-342-060	Loss of preliminary funding status.
392-342-200	Forms.

WAC 392-342-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allocations to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-342-005, filed 7/25/06, effective 8/25/06; 98-19-140, § 180-26-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-26-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-065 (Order 10-83), § 180-26-005, filed 10/17/83.]

WAC 392-342-010 Purpose. The purpose of this chapter is to set forth the procedure for educational specification development and site selection.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-342-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-065 (Order 10-83), § 180-26-010, filed 10/17/83.]

WAC 392-342-012 Waiver of rules to facilitate alternative public works contracting procedures. The provisions of this chapter may be deemed waived in accordance with WAC 392-341-012.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-342-012, filed 7/25/06, effective 8/25/06; 01-08-040, § 180-26-012, filed 3/30/01, effective 4/30/01.]

WAC 392-342-015 Educational specifications. Prior to commencing the design phase, the school district shall prepare educational specifications for the approved project. The educational specifications shall describe the educational activities that the proposed school facilities and grounds should support and the types of spaces and their relationships in order to accommodate program requirements.

This section shall not be applicable to the construction of interdistrict transportation cooperatives or the additions to existing facilities of less than fifteen thousand square feet, unless combined with modernization.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-342-015, filed 7/25/06, effective 8/25/06; 98-19-140, § 180-26-015, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-065 (Order 10-83), § 180-26-015, filed 10/17/83.]

WAC 392-342-020 Site review and evaluation. The superintendent of public instruction together with the school district shall conduct a review and evaluation of sites for new and existing state assisted projects. In selecting sites for schools, a district shall consider the following:

(1) The property upon which the school facility is or will be located is free of all encumbrances that would detrimentally interfere with the construction, operation, and useful life of the facility;

(2) The site is of sufficient size to meet the needs of the facility. The minimum acreage of the site should be five usable acres and one additional usable acre for each one hundred students or portion thereof of projected maximum enrollment plus an additional five usable acres if the school contains any grade above grade six. A district considering the use of a site that is less than the recommended minimum usable acreage should assure that:

(a) The health and safety of the students will not be in jeopardy;

(b) The internal spaces within the proposed facility will be adequate for the proposed educational program;

(c) The neighborhood in which the school facility is or will be situated will not be detrimentally impacted by lack of parking for students, employees, and the public; and

(d) The physical education and recreational program requirements will be met.

(3) A site review or predesign conference has been conducted with all appropriate local code agencies in order to determine design constraints;

(4) A geotechnical engineer has conducted a limited sub-surface investigation to gather basic information regarding potential foundation and subgrade performance.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-342-020, filed 7/25/06, effective 8/25/06; 98-19-140, § 180-26-020, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-01-014, § 180-26-020, filed 12/3/93, effective 1/3/94; 93-07-104, § 180-26-020, filed 3/23/93, effective 4/23/93. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-057, § 180-26-020, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830. 83-21-065 (Order 10-83), § 180-26-020, filed 10/17/83.]

WAC 392-342-025 Racial imbalance prohibition—Definition and acceptance criteria. The superintendent of public instruction shall not accept a site unless the applicant district provides assurances that its attendance policies for the proposed or modernized school facility will not create or aggravate racial imbalance within the boundaries of the applicant school district. For the purpose of this chapter, racial imbalance shall be defined as the situation that exists when minority enrollment (as defined by current federal categories) of a school plant facility is as follows:

(1) General rule. As a general rule—except for greater than fifty percent minority school districts—racial imbalance shall be defined as the situation that exists:

(a) When the combined minority enrollment of a school exceeds the district-wide combined minority percentage by twenty percentage points or more; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(2) Greater than fifty percent minority districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent. Racial imbalance in a greater

than fifty percent minority, nonmultiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percentage points; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(3) Greater than fifty percent minority, multiracial districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent and consists of two or more minority group enrollments which are each greater than twenty percent. Racial imbalance in a greater than fifty percent minority, multiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percent percentage points; or

(b) When a school's enrollment of a single minority exceeds the combined district-wide minority percentage.

(4) Exclusions—This policy does not apply to:

(a) Public schools located on American Indian reservations; or

(b) School buildings which are the sole site within a school district for the conduct of a regular or special needs program for students of the age(s) or grade level(s) served at the site; or

(c) Student enrollments in programs established and conducted to address extraordinary educational needs, such as bilingual orientation programs, where the assignment and enrollment of students are based solely upon their extraordinary educational needs, the enrollment of students in the program is limited to the duration of their extraordinary educational need, and adherence to the policy would defeat the educational purpose of the program.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-342-025, filed 7/25/06, effective 8/25/06; 94-20-055, § 180-26-025, filed 9/30/94, effective 10/31/94. Statutory Authority: RCW 28A.47.830. 84-11-046 (Order 5-84), § 180-26-025, filed 5/17/84; 83-21-065 (Order 10-83), § 180-26-025, filed 10/17/83.]

WAC 392-342-040 District authority to proceed.

Upon completion of the educational specifications and the site review by the superintendent of public instruction as provided for in WAC 392-342-020, the school district is authorized to proceed as follows:

(1) Commence with the design of the school facility in accordance with the district's educational specifications.

(2) Complete the energy conservation report pursuant to WAC 392-343-075.

(3) Complete a value engineering study and constructability review pursuant to WAC 392-343-080.

(4) Contract for building commissioning pursuant to WAC 392-343-080.

(5) Contract for construction management pursuant to WAC 392-343-102.

(2007 Ed.)

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-342-040, filed 7/25/06, effective 8/25/06; 99-24-046, § 180-26-040, filed 11/24/99, effective 12/25/99; 98-19-140, § 180-26-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-26-040, filed 11/27/85; 83-21-065 (Order 10-83), § 180-26-040, filed 10/17/83.]

WAC 392-342-050 Option to request preliminary funding status prior to proceeding pursuant to WAC 392-342-040.

As used in chapters 392-342, 392-343, and 392-344 WAC, the term "preliminary funding status" shall mean the project shall be considered for approval pursuant to WAC 392-344-107 prior to projects without such preliminary funding status and shall be eligible for state assistance pursuant to the superintendent of public instruction rules pertaining to eligible square footage, area cost allowance for the fiscal year funded, and priorities in effect at the time such status is granted. Any district may request the superintendent of public instruction to grant preliminary funding status for any project with secured local capital funds and authority to proceed pursuant to WAC 392-342-040. The superintendent of public instruction shall grant such approval if in the judgment of the superintendent of public instruction such project will receive approval pursuant to WAC 392-344-107 within one year.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-342-050, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-26-050, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-26-050, filed 11/27/85.]

WAC 392-342-057 The superintendent of public instruction project commitment at preliminary funded status.

When preliminary funding status for a project is requested and granted pursuant to WAC 392-342-050, the superintendent of public instruction commitment is limited to the eligibility of the project for state assistance, the eligible square footage, the area cost allowance for the fiscal year funded and the priority standing of the project as determined pursuant to the state building assistance rules in effect at that time. This commitment is effective only for the initial one-year period set forth at WAC 392-342-060. The superintendent of public instruction reserves the right to amend and/or repeal any rule(s) respecting state assistance in school building construction. Such rule changes may be made regardless of the impact upon the eligibility of any project and/or the extent of eligibility of any project for state assistance.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-342-057, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-26-057, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-140, § 180-26-057, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1991 c 14. 91-20-151, § 180-26-057, filed 10/2/91, effective 11/2/91. Statutory Authority: RCW 28A.525.020. 90-24-068, § 180-26-057, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 28A.47.830. 86-04-065 (Order 1-86), § 180-26-057, filed 2/4/86.]

WAC 392-342-060 Loss of preliminary funding status.

All districts granted preliminary funding status for a project pursuant to WAC 392-342-050 shall request approval to bid such project pursuant to WAC 392-344-107 within one year of receiving preliminary funding status or shall have such status withdrawn. A district with a project so withdrawn may reapply pursuant to WAC 392-342-050 for such status.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-342-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-055, § 180-26-060, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.525.020. 90-24-068, § 180-26-060, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-26-060, filed 11/27/85.]

WAC 392-342-200 Forms. Commencing January 1, 1986, forms applicable to the provisions of this chapter for school facilities projects after such date shall be as follows:

(1) Applications for preliminary funding status pursuant to WAC 392-342-050 shall be designated as SPI Form D-5.

(2) Grants of preliminary funding status pursuant to WAC 392-342-050 shall be given to districts through SPI Form D-6.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-342-200, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-26-200, filed 11/27/85.]

Chapter 392-343 WAC

STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—BASIC STATE SUPPORT

(Formerly chapter 180-27 WAC)

WAC

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392-343-525	State assistance—Priorities for co-ops.
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392-343-600	Emergency repair grant applications—Definitions—"Emergency repair," "imminent health and safety hazards," and "local funding."
392-343-605	Emergency repair grant applications—Contents of applications.
392-343-610	Emergency repair grant applications—The superintendent of public instruction approval/disapproval.
392-343-615	Emergency repair grant applications—Repayment conditions.

WAC 392-343-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.-050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-005, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-005, filed 10/17/83.]

WAC 392-343-010 Purpose. The purpose of this chapter is to set forth provisions applicable to basic state support and assistance in the construction of school facilities, including the superintendent of public instruction approval criteria. The limitations set forth represent the level of state support within moneys available and are not to be interpreted as maximum criteria to meet the educational requirements of all school districts, the determination of such criteria being the prerogative of respective school districts.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-010, filed 10/17/83.]

WAC 392-343-012 Waiver of rules to facilitate alternative public works contracting procedures. The provisions of this chapter may be deemed waived in accordance with WAC 392-341-012.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-012, filed 7/25/06, effective 8/25/06; 01-08-040, § 180-27-012, filed 3/30/01, effective 4/30/01.]

WAC 392-343-015 State board policy. (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

(a) To equate insofar as possible the efforts by districts to provide capital moneys;

(b) To equalize insofar as possible the educational opportunities for the students of the state;

(c) To establish a level of state support for the construction and modernization of school facilities consistent with moneys available; and

(d) To recognize that districts may have reasons to remove district facilities from current inventories and provide consistent statewide policies for removal.

(2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter 28A.540 RCW.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-015, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-015, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33, 90-17-009, § 180-27-015, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-015, filed 12/19/89, effective 12/19/89. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-015, filed 10/17/83.]

WAC 392-343-016 Rules determining eligibility and timing of state assistance. The eligibility for and the amount of state assistance shall be determined as outlined in WAC 392-343-020. The prioritization and timing for receipt of state assistance for eligible projects shall be determined by WAC 392-343-500.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-016, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-016, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-016, filed 8/3/92, effective 9/3/92.]

WAC 392-343-017 Definition—School facilities. As used in this chapter, the term "school facilities" means school plant facilities, school plant projects, school buildings, and common school facilities placed on a permanent foundation.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-017, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-017, filed 12/19/89, effective 12/19/89.]

WAC 392-343-018 Definition—Portable facility. As used in this chapter, "portable facility" means any factory-built structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation when connected to the required utilities. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-018, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-059, § 180-27-018, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-018, filed 12/19/89, effective 12/19/89.]

WAC 392-343-019 Definition—Instructional space. As used in this chapter, the term "instructional space" means the gross amount of square footage calculated in accordance

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with the *American Institute of Architects, Document D101, The Architectural Area and Volume of Buildings*, latest edition, for a school facility utilized by a school district for the purpose of instructing students: Provided, That the following areas shall not be included in any calculation of instructional space:

(1) Exterior covered walkways, cantilevered or supported.

(2) Exterior porches including loading platforms.

(3) Areas located above instructional spaces which are either vacant or primarily housing mechanical and/or electrical equipment.

(4) Space used by central administrative personnel.

(5) Stadia and grandstands.

(6) Bus garages.

(7) Free-standing warehouse space specifically designed for that purpose.

(8) Portable facilities.

(9) Other square footage not otherwise available or related to direct instruction or instructional support of the education program in the district.

(10) The portion(s) of any space(s) constructed from grants made as a gift to a school district by a private entity or a public entity which:

(a) Is dedicated by the written terms of the grant to joint use by the school district for educational purposes and by the general public for community activities for the useful life of the space(s); and

(b) The school district board of directors has accepted the gift in accordance with the joint use terms of the grant: Provided, That this exception does not apply to space(s) jointly financed by two or more school districts.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-019, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-019, filed 9/23/98, effective 10/24/98; 95-20-090, § 180-27-019, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.525.020 and 28A.525.055. 95-08-032, § 180-27-019, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-019, filed 12/19/89, effective 12/19/89.]

WAC 392-343-020 Related factors and formula for determining amount of state assistance. (1) The amount of state assistance to a school district to provide school facilities shall be determined on the basis of component factors, as hereinafter set forth in this chapter, relating to:

(a) The number of unhoused students;

(b) Space allocations;

(c) Reduction of the number of operating schools as per chapter 392-347 WAC;

(d) Area cost allowance for the fiscal year funded;

(e) Allowances for furniture and equipment purchases;

(f) The amount of insurance, federal, or other nontax source local moneys applied to a school facilities project;

(g) Certain specified costs which must be financed directly by the school district; and

(h) The amount of fees for professional services.

(2) State assistance for an approved project shall be derived by multiplying the percentage of state assistance determined pursuant to RCW 28A.525.166 by the following:

(a) The eligible construction cost which shall be calculated by multiplying the approved square foot area of the

project as set forth in WAC 392-343-035 by the area cost allowance as set forth in WAC 392-343-060;

(b) The cost of preparing educational specifications as set forth in WAC 392-343-065;

(c) The cost of architectural and engineering services as set forth in WAC 392-343-070;

(d) The cost of preparing and reviewing the energy conservation report as set forth in WAC 392-343-075;

(e) The cost of a value engineering study, a constructability review, and building commissioning as set forth in WAC 392-343-080;

(f) The construction cost savings—sharing incentive as set forth in WAC 392-343-085;

(g) The cost of furniture and equipment as set forth in WAC 392-343-095;

(h) The cost of special inspections and testing as set forth in WAC 392-343-100; and

(i) The cost of construction management as set forth in WAC 392-343-102.

Any cost in excess of the maximum allowable shall be financed entirely by the school district.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-020, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-020, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 99-24-127, § 180-27-020, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-020, filed 11/24/92, effective 12/25/92. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-020, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-020, filed 10/17/83.]

WAC 392-343-023 Emerging high school district eligibility. If a new secondary program is being established in a nonhigh district pursuant to chapter 392-348 WAC, the district shall make application and be eligible for state funding assistance of new construction for school facilities to serve the projected high school enrollment.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-023, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-023, filed 12/19/89, effective 12/19/89.]

WAC 392-343-025 State matching percentage—General. (1) The percentage of state assistance for which a school district is eligible, if otherwise qualified under prevailing statutory provisions and rules and regulations of the superintendent of public instruction, shall be determined in accordance with the matching formula set forth in RCW 28A.525.166.

(2) In the event the percentage of state assistance to any school district computed in accordance with RCW 28A.525.166(2) is less than twenty percent and such school district otherwise is eligible for state assistance under statutory provisions and the superintendent of public instruction regulations, the percentage for such district shall be twenty percent of the matchable cost of the project.

(3) In addition to the computed percent of state assistance as stated above, a school district as provided in RCW 28A.525.166(3), shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each average percent of

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student growth for the past three years, with a maximum addition of twenty percent. In no case shall the state dollars matched exceed one hundred percent of the maximum allowable cost of the project.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-025, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-025, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-025, filed 10/17/83.]

WAC 392-343-030 Applicable state matching percentage for project. Pursuant to provisions of RCW 28A.525.168, the percentage of state assistance used for the allocation of state moneys shall be the highest amount prevailing at the time of:

(1) Passage of bonds and/or levies by the voters of the school district to meet the requirement for local funding;

(2) The superintendent of public instruction project approval; or

(3) Superintendent of public instruction approval to bid.

In the event that a district is otherwise eligible to receive approval to bid one or more projects but a lack of state matching funds precludes the issuance of such approval(s), the district shall retain the higher percentage of state assistance as provided for in this section for such approval(s). This provision shall apply to all projects having received project approval by the state board of education after September 1, 1997, or by the superintendent of public instruction after June 6, 2006.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-030, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-030, filed 12/1/99, effective 1/1/00; 98-19-143, § 180-27-030, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-030, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-030, filed 10/17/83.]

WAC 392-343-032 Growth impact fees and mitigation payments. Notwithstanding the financial requirements of WAC 392-343-030, districts may use growth impact fees as provided for in RCW 82.02.020, 82.02.050 through 82.02.100, 58.17.060 and 58.17.110 to assist in capital construction projects. The impact fees collected pursuant to the above cited statutes, may be used by the district as local match funding for state assisted capital projects and may not be substituted for the amount of state assistance that would otherwise be provided for school capital projects. Mitigation payments as provided for in RCW 43.21C.060 of the State Environmental Policy Act may be used by the district as local match funding and may not be substituted for the amount of state assistance that would otherwise be provided for school capital projects.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-032, filed 7/25/06, effective 8/25/06; 00-04-007, § 180-27-032, filed 1/20/00, effective 2/20/00. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-01-030, § 180-27-032, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-056, § 180-27-032, filed 6/5/91, effective 7/6/91.]

WAC 392-343-035 Space allocations. (1) State assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of students with disabilities shall be based on a space allowance per enrolled student and for state matching

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purposes shall be computed in accordance with the following table:

Grade or Area	Through June 30, 2006 Maximum Matchable Area Per Student	Beginning July 1, 2006 Maximum Matchable Area Per Student
Grades kindergarten through six	80 square feet	90 square feet
Grades seven and eight	110 square feet	117 square feet
Grades nine through twelve	120 square feet	130 square feet
Classrooms for students with disabilities	140 square feet	144 square feet

For purposes of this subsection, students with disabilities shall be counted as one student for each such student assigned to a specially designated self-contained classroom for students with disabilities for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

(2) State assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Matchable Area Per One-Half Enrolled Student
Skill Centers	140 square feet

(3) Space allowance for state matching purposes for districts with senior or four-year high schools with fewer than four hundred students shall be computed in accordance with the following formula:

Number of Headcount Student-Grades 9-12	Maximum Matchable Area Per Facility
0-100	37,000 square feet
101-200	42,000 square feet
201-300	48,000 square feet
301-or more	52,000 square feet

[Statutory Authority: RCW 28A.525.020, 06-16-032, recodified as § 392-343-035, filed 7/25/06, effective 8/25/06; 05-19-108, § 180-27-035, filed 9/20/05, effective 10/21/05; 01-19-044, § 180-27-035, filed 9/14/01, effective 10/15/01; 98-19-143, § 180-27-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830, 84-11-047 (Order 6-84), § 180-27-035, filed 5/17/84; 83-21-066 (Order 11-83), § 180-27-035, filed 10/17/83.]

WAC 392-343-040 Square foot area analysis. The square foot area analysis, when submitted for review by the superintendent of public instruction shall be calculated in accordance with the American Institute of Architects, Document D101, *The Architectural Area and Volume of Buildings*, latest edition, except for the following areas which shall not be counted:

- (1) Exterior covered walkways, cantilevered or supported;
- (2) Exterior porches, including loading platforms; and

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(3) Spaces above occupied areas which are either vacant or primarily housing mechanical and/or electrical equipment.

The analysis shall be reported on a form prepared by the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020, 06-16-032, recodified as § 392-343-040, filed 7/25/06, effective 8/25/06; 95-20-089, § 180-27-040, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.47.830, 84-11-047 (Order 6-84), § 180-27-040, filed 5/17/84; 83-21-066 (Order 11-83), § 180-27-040, filed 10/17/83.]

WAC 392-343-045 Space allocations—Enrollment projection provisions. In planning for construction of all school facilities, a school district shall estimate capacity needs on the basis of the following:

- (1) A three or five-year cohort survival enrollment projection for growth districts, whichever is greater;
- (2) A three or five-year cohort survival enrollment projection for a declining district, whichever is lesser;
- (3) Actual enrollment of preschool students with disabilities; and
- (4) Supplemental information regarding district growth factors which may include but not be limited to the following types of information:

- (a) County live birth rates;
- (b) New housing starts;
- (c) Utility/telephone hookups; and
- (d) Economic/industrial expansion.

For the purpose of this section, kindergarten students and students with disabilities shall be counted as provided under WAC 392-343-035 and all other grade one through twelve students shall be counted as October count day full-time equivalent students as reported to the superintendent of public instruction: Provided, That a school district which has or has had an annual average full-time equivalent enrollment of over five hundred, and which applied for and received additional state basic education allocation moneys based upon an enrollment increase after the first of the month enrollment count, may use the average of the two highest monthly full-time equivalent enrollment counts during the school year.

[Statutory Authority: RCW 28A.525.020, 06-16-032, amended and recodified as § 392-343-045, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-045, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW, 92-24-027, § 180-27-045, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.47.830, 83-21-066 (Order 11-83), § 180-27-045, filed 10/17/83.]

WAC 392-343-050 Space allocations—Computing building capacity. The net total area of a school facility eligible for state matching purposes shall be calculated as follows:

(1) The capacity of existing buildings within the district based on the school district's assigned grade spans shall be computed in accordance with the tables set forth in WAC 392-343-035 and the square foot area analysis set forth in WAC 392-343-040.

(2) The number of students projected at each grade span shall be multiplied by appropriate numbers of square feet as set forth in WAC 392-343-035. (Note: The area generated at each grade level determines district eligibility, if any.)

(3) The amount of housing the district is eligible to construct at each grade span is determined by subtracting the area computed in subsection (2) of this section from the existing

housing capacity at each grade span in the school district. Using this formula, over housing at the secondary grade level, grades nine through twelve, or elementary grade level, kindergarten through eight, will not negatively affect unhoused eligibility at the elementary grade level or secondary grade level respectively.

(4) Appropriate grade assignment is a local determination.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-050, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-050, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-04-031, § 180-27-050, filed 1/30/90, effective 3/2/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-050, filed 10/17/83.]

WAC 392-343-053 State moneys for studies and surveys. State moneys for school district studies and surveys conducted pursuant to chapter 392-341 WAC shall be available even though the superintendent of public instruction deems it necessary to order a priority approval process pursuant to WAC 392-343-054. At the beginning of each biennium, the superintendent of public instruction shall estimate the amount of moneys necessary for allocation to districts for studies and surveys and not make such moneys available for any other purpose. In the event the estimated amount proves to be insufficient, the superintendent shall set aside additional moneys.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-053, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-04-008 (Order 2-85), § 180-27-053, filed 1/25/85.]

WAC 392-343-054 Implementation of priority approval process. In the event the superintendent of public instruction determines that projected revenues, as calculated by the ceiling established in WAC 392-343-056(2), are insufficient to meet school construction needs of school districts for the ensuing state fiscal year, the superintendent of public instruction shall by order implement a priority approval process on final approval of additional school construction projects pursuant to WAC 392-344-107. Such priority approval process shall remain in effect until the order is rescinded by the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-054, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-054, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 85-04-008 (Order 2-85), § 180-27-054, filed 1/25/85.]

WAC 392-343-056 Funding during the period of a priority approval process order by the superintendent of public instruction. During the period of a priority approval process imposed by order of the superintendent of public instruction school construction projects shall receive final approval pursuant to WAC 392-344-107 as follows:

(1) On or after July 1 following the superintendent of public instruction order for the implementation of a priority approval process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 392-344-107 as per the applicable priority list in WAC 392-343-500. Only school construction projects with the superintendent of public instruction approval under WAC 392-341-045 and secured local capital funds by January 31 of the previous state fiscal year and eli-

gible for final approval pursuant to WAC 392-344-107 by June 30 of the previous state fiscal year shall be placed on the priority list.

(2) Each fiscal year the superintendent of public instruction shall give final approval to school construction projects on the priority list pursuant to WAC 392-344-107 based on the level and conditions of legislative appropriations. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the superintendent of public instruction does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without final approval and, therefore, without secured funding status pursuant to WAC 392-344-107 shall be combined with new school construction projects that have secured local capital funds by January 31 of the state fiscal year and that are eligible, pursuant to WAC 392-344-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-056, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-056, filed 12/1/99, effective 1/1/00; 98-23-033, § 180-27-056, filed 11/10/98, effective 12/11/98; 98-19-143, § 180-27-056, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-056, filed 8/3/92, effective 9/3/92. Statutory Authority: RCW 28A.47.830. 85-04-008 (Order 2-85), § 180-27-056, filed 1/25/85.]

WAC 392-343-05605 Additional funding during a period of a priority approval process. Notwithstanding the provisions of WAC 392-343-056, if within any state fiscal year, that is the second year of a biennium, there is funding authority and revenue in excess of what is required for the priority list established pursuant to WAC 392-343-056, then there may be a subsequent priority list established in the same state fiscal year for the purpose of funding or encumbering funding only for those projects for which preliminary funded status had been granted prior to July 1 of that state fiscal year. The priority order shall be as per WAC 392-343-500 through 392-343-535.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-05605, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.200. 95-16-076, § 180-27-05605, filed 7/28/95, effective 8/28/95. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-05605, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.525.020. 90-24-068, § 180-27-05605, filed 12/5/90, effective 1/5/91.]

WAC 392-343-05607 Funding for specifically appropriated projects during a period of a priority approval process. Notwithstanding the provisions of WAC 392-343-056, if the State Capital Appropriations Act for any biennium makes a special, specific appropriation for a particular project or priority category, such projects, or projects within the priority category, shall be exempt from the time lines established by WAC 392-343-056 and may receive final approval

pursuant to WAC 392-344-107 at any time, provided that the requirements of chapter 392-344 WAC have been complied with.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-05607, filed 7/25/06, effective 8/25/06; 90-24-068, § 180-27-05607, filed 12/5/90, effective 1/5/91.]

WAC 392-343-057 State assistance—Deferred payment. In the event state moneys are not sufficient for a school district project, a school district may proceed at its own financial risk. At such time state moneys become available, reimbursement may be made for the project provided the provisions of chapter 392-344 WAC have been complied with.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-057, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-057, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.060, 28A.47.802 and 28A.47.830. 89-22-007, § 180-27-057, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-057, filed 10/17/83.]

WAC 392-343-059 Application of priority system to projects with and without preliminary funding status. All projects with preliminary funding status pursuant to WAC 392-342-050 shall be approved pursuant to WAC 392-344-107 prior to projects without such status.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-059, filed 7/25/06, effective 8/25/06; 90-24-068, § 180-27-059, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-059, filed 11/27/85.]

WAC 392-343-060 Determining the area cost allowance. (1) The area cost allowance for state assistance shall apply to the cost of construction of the total facility and grounds, including state sales and use taxes generally levied throughout the state of Washington and excluding those local option sales and use taxes levied by political subdivisions.

(2) The area cost allowance used in calculating state financial assistance for construction of school facilities shall be determined by the superintendent of public instruction using the prior year's area cost allowance, plus a construction inflation factor.

(3) The superintendent of public instruction's office shall work with appropriate parties to develop a method for determining the annual construction inflation factor.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-060, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-143, § 180-27-060, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-060, filed 11/27/85; 84-11-047 (Order 6-84), § 180-27-060, filed 5/17/84; 83-21-066 (Order 11-83), § 180-27-060, filed 10/17/83.]

WAC 392-343-063 Annual review of actual construction costs of school projects. The superintendent of public instruction on an annual basis shall review actual construction costs of school projects for consideration and possible action.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-063, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-063, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-063, filed 11/27/85.]

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WAC 392-343-065 Educational specifications. (1) Only school facility projects which are complete new facilities or modernization projects pursuant to chapter 392-347 WAC are eligible for state assistance in the preparation of education specifications.

(2) The construction of interdistrict transportation cooperatives, or additions of less than fifteen thousand square feet to existing facilities, unless combined with modernization, are not eligible.

(3) The amount of state assistance for which a district is eligible for the preparation of educational specifications shall be the state matching percentage multiplied by the greater of the following:

(a) One quarter of one percent of the area cost allowance multiplied by the square foot area for the fiscal year funded; or

(b) Ten thousand dollars.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-065, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-065, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-065, filed 10/17/83.]

WAC 392-343-070 Architectural and engineering services. School districts shall select their architectural and engineering consultants in accordance with chapter 39.80 RCW. As required by RCW 39.80.050, the district shall negotiate a contract with the most qualified consultants at a price which the school district determines is fair and reasonable. In making its determination, the district shall take into account the estimated value of the services to be rendered based upon the scope and complexity of the project.

The allocation of state moneys for matching purposes for a school facility project shall be based on architectural and engineering services as defined by the latest edition of the *American Institute of Architects Handbook of Professional Practice* and calculated by the percentage(s) in relation to the square foot area of construction as calculated in WAC 392-343-040 and project type, as set forth below:

(1) New construction projects:

Architectural and Engineering Team Fee Matching Limitations

Square Feet of Construction	Percent of Construction Cost
0 - 3,699	10.0
3,700 - 7,349	9.0
7,350 - 10,999	8.75
11,000 - 14,649	8.5
14,650 - 18,299	8.25
18,300 - 25,699	8.0
25,700 - 36,699	7.75
36,700 - 54,999	7.5
55,000 - 73,399	7.25
73,400 - 100,999	7.0
101,000 - 128,449	6.75
128,450 - 155,999	6.5
156,000 - 183,499	6.25
183,500 & above	6.0

[Title 392 WAC—p. 369]

(2) Modernization projects:

For modernization projects, the limits of state participation shall be one and one-half times the amount calculated for new construction.

(3) Combination projects:

For those projects which include a combination of new construction and modernization, the limits of state participation shall be prorated as set forth in subsection (1) and (2) of this section.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-070, filed 7/25/06, effective 8/25/06; 01-09-011, § 180-27-070, filed 4/6/01, effective 5/7/01; 98-19-143, § 180-27-070, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 93-13-026, § 180-27-070, filed 6/10/93, effective 7/11/93. Statutory Authority: RCW 28A.47.830. 84-07-036 (Order 1-84), § 180-27-070, filed 3/20/84; 83-21-066 (Order 11-83), § 180-27-070, filed 10/17/83.]

WAC 392-343-075 Energy conservation report. In compliance with the provisions of chapter 39.35 RCW, school districts constructing school facilities shall complete an energy conservation report for any new construction or for additions to and modernization of existing school facilities which will be reviewed by the Washington state department of general administration. One copy of the energy conservation report, approved by the district board of directors, shall be filed with the superintendent of public instruction. The amount of state assistance for which a district is eligible for the preparation of the energy conservation report shall be the state matching percentage multiplied by ten thousand dollars. The amount of state assistance for which a district is eligible shall be the state matching percentage multiplied by the fee charged.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-075, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-075, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-075, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-075, filed 10/17/83.]

WAC 392-343-080 Value engineering studies, constructability reviews, and building commissioning—Requirements and definition. At the appropriate time in the design process for a school facility approved by the superintendent of public instruction, the district shall prepare a value engineering study, complete a constructability review, and perform building commissioning for all projects greater than fifty thousand square feet. Value engineering studies, constructability reviews, and building commissioning shall be optional for projects larger than fifteen thousand square feet but less than fifty thousand square feet. Any project which includes fifteen thousand square feet or less shall be exempt from this requirement. For the purpose of this section, a value engineering study is defined as a cost control technique which is based on the use of a systematic, creative analysis of the functions of the facility with the objective of identifying unnecessary high costs or functions and/or identifying cost savings that may result in high maintenance and operation costs. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 392-344-065. A constructability review is defined as a cost control technique which is based on the review of project documents by mechanical, electrical, structural, construction,

and design professionals prior to a request for bids. The purpose of a constructability review is to identify potential claim or problem areas and deficiencies that may occur as a result of errors, ambiguities, omissions, discrepancies, and conflicts in design documents. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 392-344-066. Building commissioning is defined as the process of verifying that the installation and performance of selected building systems meet or exceed the specified design criteria and therefore satisfy the design intent. Building commissioning shall include a physical inspection, functional performance testing, listing of noted deficiencies, and a final commissioning report. Building commissioning shall be performed by a professional agent or authority not contractually or otherwise financially associated with the project design team or contractor. A district shall be eligible for state assistance for a value engineering study, a constructability review, and building commissioning for each qualifying project. The maximum amount of assistance for each component of the study package shall be the state matching percentage multiplied by the greater of the following:

(1) Two-fifths of one percent of the area cost allowance multiplied by the square foot area for the fiscal year funded; or

(2) Twenty thousand dollars.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-080, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-080, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 99-24-127, § 180-27-080, filed 12/1/99, effective 1/1/00; 98-19-143, § 180-27-080, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-080, filed 10/17/83.]

WAC 392-343-085 Construction cost savings—Sharing incentive. The purpose of this section is to set forth provisions designed to further enhance cost effectiveness in the construction of exclusively new school facilities.

(1) Districts become eligible for a cost saving incentive equal to sixty percent of the state share of the construction cost savings if the cost of new construction at bid is less than the approved state matchable construction cost, as set forth in WAC 392-343-020 (2)(a).

(2) The state matched fee for basic architectural and engineering services shall not be reduced if the project is bid and is awarded below the approved state matchable construction cost (WAC 392-343-070) or the cost contracted for between the school district and architect/engineer, whichever is less.

(3) Any project attached to or adjacent to or otherwise designed to operate in conjunction with an existing facility and which contains additional area equal to or less than fifty percent of the area in the existing facility shall be classified as an addition and shall not be eligible for the cost saving incentive option authorized in this section.

(4) Districts shall not be eligible for a cost-saving incentive where the entire project, or any part of the project, qualifies for state support under chapter 392-347 WAC.

(5) Receipt of a portion of the state share of construction cost savings shall not reduce the district's future eligibility and entitlement to state assistance in providing school facilities.

ties and shall not result in the district receiving more than one hundred percent of the cost of construction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-085, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-085, filed 11/27/85; 83-21-066 (Order 11-83), § 180-27-085, filed 10/17/83.]

WAC 392-343-095 Support level—Furniture and equipment allowances. (1) A matchable allowance for furniture and equipment purchases shall be added to total construction cost of an approved school facilities project. The amount of state assistance for which a district is eligible shall be the eligible square foot area of the project multiplied by the area cost allowance for the fiscal year funded and that product multiplied by:

- (a) Two percent for elementary schools;
- (b) Three percent for middle and junior high schools;
- (c) Four percent for high schools;
- (d) Five percent for facilities for students with disabilities;
- (e) Five percent for interdistrict cooperative occupational skill centers; and
- (f) Seven percent for interdistrict transportation cooperatives.

(2) For those projects where the eligible square footage is allocated to grade spans which do not conform to those listed above, the equipment allowance shall be allocated based on eligibility as established in WAC 392-343-035.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-095, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-095, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-143, § 180-27-095, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-095, filed 10/17/83.]

WAC 392-343-100 Special inspections and testing. All special inspections and testing to be performed by independent sources as specified in the construction documents shall be matched in addition to the construction costs subject to the approval of the superintendent of public instruction. For the purposes of this section, special inspections shall be those special inspections required under the State Building Code.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-100, filed 7/25/06, effective 8/25/06; 04-23-009, § 180-27-100, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-100, filed 10/17/83.]

WAC 392-343-102 Construction management. Prior to commencing with project design the district shall employ or contract personnel to perform professional construction management. Construction management shall be required for all projects greater than fifty thousand square feet and is optional for projects fifty thousand square feet or less. For the purpose of this section construction management is defined as the process of professional management applied to a construction program for the purpose of controlling time, cost, and quality.

The construction manager shall have appropriate and demonstrable experience in the management of construction projects including procurement, contract administration,

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scheduling, budgets, quality assurance, information management, and health and safety.

The amount of state assistance for which a district shall be eligible for construction management shall be the state matching percentage multiplied by two and one-half percent of the area cost allowance multiplied by the square foot area for the fiscal year funded.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-102, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-102, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 00-09-045, § 180-27-102, filed 4/14/00, effective 5/15/00; 99-24-127, § 180-27-102, filed 12/1/99, effective 1/1/00.]

WAC 392-343-105 Insurance. All school facilities shall be insured. Should a district need to replace or repair a school facility destroyed or damaged, it will be the district's financial responsibility to replace or repair the number of square feet destroyed or damaged.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-105, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-105, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 86-04-067 (Order 3-86), § 180-27-105, filed 2/4/86; 83-21-066 (Order 11-83), § 180-27-105, filed 10/17/83.]

WAC 392-343-110 Support level—Federal moneys. A school district determined to be eligible for moneys made available by acts of congress for school facility construction, including but not limited to Public Law 815 moneys, shall complete the following steps:

(1) Make application for such moneys, which requirement shall be prerequisite for a preliminary or provisional allocation of state matching moneys;

(2) Furnish evidence of the availability of such federal moneys, which requirement shall be a prerequisite for a final allocation of state moneys: Provided, That nothing in this section shall restrict a school district from receipt of federal moneys otherwise provided for specific purposes in accordance with the conditions imposed by the federal government incumbent upon the recipient school district; and

(3) Include the number of square feet in school facilities constructed with federal moneys and used for instructional purposes in the district's inventory which will decrease district eligibility for state moneys by an equal number.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-110, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-110, filed 10/17/83.]

WAC 392-343-115 Support level—Additional assistance. State assistance in addition to the amount determined pursuant to WAC 392-343-020 may be allowed for the purposes and in accordance with the requirements set forth in this section: Provided, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes: In each of the following exceptions, either at the time the project is approved pursuant to WAC 392-341-040 or at any time prior to receiving secured funding status pursuant to WAC 392-344-107, written school district application for additional assistance and the superintendent of public instruction approval is required:

(1) A school facility subject to abatement and an order to vacate.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the superintendent of public instruction determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the superintendent of public instruction shall provide state financial assistance for the remaining cost of the building to a level not exceeding the area cost allowance for the fiscal year funded: Provided, That at any time thereafter when the superintendent of public instruction finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(2) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 392-345 WAC, the superintendent of public instruction shall allocate at seventy-five percent of the total approved project cost determined eligible for state matching purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided; or

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities.

(3) School housing emergency.

A school district found by the superintendent of public instruction to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: Provided, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and the superintendent of public instruction fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be the total approved project cost determined eligible for state matching purposes multiplied by the districts' regular match rate as calculated pursuant to RCW 28A.525.166 plus twenty percent and not to exceed ninety percent in total: Provided further, That at any time thereafter when the superintendent of public instruction finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(4) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four

hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the superintendent of public instruction shall match the total approved cost of the project at seventy-five percent.

(5) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 392-342-025 shall receive state assistance under this subsection in the amount of an additional ten percentage points above the matching percentage as calculated pursuant to RCW 28A.525.116 (b) and (c) which will not exceed a total of ninety percent of the total approved cost of construction: Provided, school construction projects for racial balance that meet the following conditions shall be provided state assistance at seventy-five percent of the square foot cost allowance for the fiscal year funded under the provisions of this subsection as they existed prior to the amendment of this subsection in 1993:

(a) Voter approved local matching funds were authorized before December 31, 1992;

(b) The superintendent of public instruction approved a comprehensive desegregation plan with specific construction and modernization projects under additional state assistance criterion in effect at that time, which will be identified on or before September 15, 1993; and

(c) The superintendent of public instruction confirms at the time of project approval pursuant to WAC 392-341-040 the continued existence of racial balance needs.

In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility: Provided, That the particular school facility shall remain racially balanced for a period of at least five years after the date of actual building occupancy: Provided further, That if the superintendent of public instruction finds that the school facility does not remain racially balanced for five years then the amount of additional state assistance provided pursuant to this subsection shall be recovered by deducting an amount equal to all of the additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(6) Any project that has received approval for additional state assistance under provisions of this section as they existed prior to the amendment of this section in 1993 shall retain authorization for additional assistance under the provisions in effect at the time of such approval.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-115, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-115, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-143, § 180-27-115, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 28A.525.166(4). 93-20-067, § 180-27-115, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-059, § 180-27-115, filed 6/5/91, effective 7/6/91. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-115, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.-802. 90-01-076, § 180-27-115, filed 12/19/89, effective 12/19/89. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-115, filed 11/27/85; 83-21-066 (Order 11-83), § 180-27-115, filed 10/17/83.]

WAC 392-343-120 Costs to be financed entirely with school district funds. The cost of the following areas, facilities, and items shall not be eligible for the state matching purposes:

- (1) The cost of area in excess of the space allocations as set forth in WAC 392-343-035;
- (2) Acquisition cost of site;
- (3) Maintenance and operation;
- (4) Alterations, repair, and demolitions, except alterations necessary to connect new construction to an existing building;
- (5) Central administration buildings;
- (6) Stadia/grandstands;
- (7) Costs incidental to advertising for bids, site surveys, soil testing for site purchase, and costs other than those connected directly with the construction of facilities;
- (8) Bus garages, except interdistrict cooperatives;
- (9) Sales and/or use taxes levied by local governmental agencies other than those sales and/or use taxes levied by the state of Washington;
- (10) All costs in excess of state support level factors established by the superintendent of public instruction for state participation in financing school construction; and/or
- (11) All costs associated with the purchase, installation, and relocation of portable classrooms.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-120, filed 7/25/06, effective 8/25/06; 04-23-009, § 180-27-120, filed 11/4/04, effective 12/5/04; 98-19-143, § 180-27-120, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-120, filed 10/17/83.]

WAC 392-343-125 Unforeseen costs. The superintendent of public instruction shall not provide additional assistance for unforeseen circumstances related to the construction project after the filing of construction contract(s) with the superintendent of public instruction except those required by change to the state building code as set forth in chapter 19.27 RCW.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-125, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-125, filed 10/17/83.]

WAC 392-343-405 Instructional space inventory of school facilities—Eligibility. For purposes of determining district eligibility for state financial assistance for the new construction of school facilities, except for the new construction of school facilities for which an acceptable Form D-3 project request was on file with the superintendent of public instruction and local matching funds were secured prior to March 31, 1989, the superintendent of public instruction shall establish and maintain an instructional space inventory of all school facilities within the state of Washington. Such listing shall consist of the following:

- (1) Facility name;
- (2) Location (address);
- (3) Gross square footage;
- (4) Gross square footage of available instructional space (if different than subsection (3) of this section);
- (5) Date of construction, additions, and/or modernizations; and
- (6) Grade spans served in the facility.

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School facilities that are surplus and under lease per the provision of RCW 28A.335.040 are considered to be available for instructional activities and shall be included in the instructional space inventory.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-405, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-405, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-405, filed 12/19/89, effective 12/19/89.]

WAC 392-343-410 Removal from instructional space inventory—Demolition. A school facility shall be removed from the superintendent of public instruction active instructional space inventory five years after it has been demolished under the following conditions:

- (1) The facility is at least forty years old.
- (2) The facility is determined to be surplus to the needs of the district by the local school board.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-410, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-410, filed 12/19/89, effective 12/19/89.]

WAC 392-343-415 Removal from instructional space inventory—Sale or long-term lease of building. A school facility shall be removed from the superintendent of public instruction's instructional space inventory five years after it has been sold or long-term leased under the following conditions:

- (1) The facility is determined to be surplus to the needs of the district by the local school board.
- (2) The sale or lease is in compliance with the requirements of chapter 28A.335 RCW.

For purposes of this section a long-term lease is defined as having a term of no less than forty years.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-415, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-415, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-415, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-415, filed 12/19/89, effective 12/19/89.]

WAC 392-343-420 Removal from instructional space inventory—Conversion. Instructional space shall be removed from the superintendent of public instruction's instructional space inventory sixty months after it has been converted from instructional use under the following conditions:

- (1) The facility is determined to be surplus to the needs of the district by the local school board; and
- (2) The school facility is not needed for instructional use by a neighboring district.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-420, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-420, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-420, filed 12/19/89, effective 12/19/89.]

WAC 392-343-425 Removal from instructional space inventory—Replacement. A school facility shall be removed from the superintendent of public instruction's instructional space inventory after it has been replaced with a school facility accepted by the school district board of direc-

tors on a square footage basis through one of the following actions:

(1) The replacement school facility is wholly financed with local district funds; or

(2) The replacement school facility is constructed with state funding assistance authorized under the authority of chapter 392-347 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-425, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-425, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47-803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-04-031, § 180-27-425, filed 1/30/90, effective 3/2/90.]

WAC 392-343-500 State assistance—Priorities after June 30, 1992. The priority system for the funding of school construction projects after June 30, 1992, shall be as follows: For all new construction and modernization projects for school districts, there will be a unique priority score determined by the elements and formulas contained in WAC 392-343-505 through 392-343-520. The total score shall be used to rank all projects that have secured local funding and state board of education approval after January 26, 1991, or the superintendent of public instruction approval after June 6, 2006, and are otherwise eligible for state funding assistance. The elements are divided into three groups:

- (1) Common elements;
- (2) New construction for growth elements; and
- (3) Modernization or new-in-lieu of modernization elements.

In the case of a combined project (i.e., new construction for growth and modernization), the respective scores in each group will be prorated on the basis of each group's related gross square footage in the total project.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-500, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-500, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525-020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-500, filed 8/3/92, effective 9/3/92.]

WAC 392-343-505 State assistance—Common priority elements. The four priority elements that are common to all projects are as follows:

(1) Type of space - Ten possible points. In this element the net assignable square feet (NASF) of a project are identified by planned space inventory category. Category One is space used for scheduled instruction and libraries (classrooms, laboratories, PE teaching space, libraries, and learning resource centers). Category Two is space used in support of instruction (assembly, student services, office space, and classroom/lab service and support). Category Three space is cafeteria/food service, spectator seating, covered play areas, and general support space. The formula for determining points prorates the NASF with weightings of ten for Category One, seven for Category Two, and four for Category Three as shown below.

NASF of Category One	X	10 points = X
NASF of Category Two	X	7 points = X
NASF of Category Three	X	4 points = X

Then: The sum of X divided by the sum of NASF equals points.

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(2) Local priority - Five points. For this element, five maximum points are awarded to the district's first priority project. Each priority from there has one point deducted from it, to a minimum of zero points awarded.

(3) Joint funding - Five possible points. A binding agreement between the school district and another governmental entity for the joint financing of new construction or modernization of space which is not otherwise eligible for state assistance.

Total Project Cost	Required Joint Funding
Up to \$1,000,000	25% of total project cost
Between \$1,000,000 and \$2,000,000	\$275,000
Between \$2,000,000 and \$3,000,000	\$300,000
Between \$3,000,000 and \$4,000,000	\$325,000
Between \$4,000,000 and \$5,000,000	\$350,000
Between \$5,000,000 and \$6,000,000	\$375,000
Between \$6,000,000 and \$7,000,000	\$400,000
Between \$7,000,000 and \$8,000,000	\$425,000
Between \$8,000,000 and \$9,000,000	\$450,000
Between \$9,000,000 and \$10,000,000	\$475,000
\$10,000,000 and over	\$500,000

(4) Modified calendar or schedule - Five possible points. For this element, up to five points utilizing the table below will be awarded to a project in a district which has adopted a modified school calendar or schedule that enables more students to use school buildings each year over what current state capacity standards at WAC 392-343-035 recognize for state assistance purposes. The modified calendar or schedule shall utilize either extended school day or additional days for instruction in the year. The enrollment percentage shall be calculated on the same grade span groupings as for eligibility in WAC 392-343-050. For the purpose of this subsection, the enrollment shall include all students enrolled at the facility as opposed to only those students in attendance.

Enrollment Percentage Increase Over Capacity	Priority Points
20 to above	5
16 to 19.9	4
12 to 15.9	3
8 to 11.9	2
4 to 7.9	1
Below 4	0

The scores for this group of elements will be determined after district compliance with the requirements of WAC 392-344-107.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-505, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-505, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525-020 and 1993 [1992] c 233 § 24 (8)(e). 93-04-019, § 180-27-505, filed 1/26/93, effective 2/26/93. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-505, filed 8/3/92, effective 9/3/92.]

WAC 392-343-510 State assistance—New construction for growth priority factors. The three factors that are related to new construction for growth are as follows:

(1) Projected percent unhoused - Fifty-five possible points. The district percent unhoused five years in the future is based on the projection of enrollment per WAC 392-343-045 for two grade categories, including preschool special

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education, compared to the formula capacity of existing space based on WAC 392-343-035 as computed per WAC 392-343-050.

If the projected district percent unhoused for the applicable grade category is equal to or greater than forty percent, full points are awarded. If the projected district percent unhoused is less than five percent but greater than zero percent, then a minimum of fifteen points are awarded. If the projected percent unhoused is between five percent and forty percent, then the forty remaining points (55-15) are proportionately awarded.

(2) Mid-range projection - Five possible points. This factor is to recognize the degree of immediacy of a district's capacity problem. The district's point score in subsection (1) of this section is first multiplied by .091 to reflect the relationship between the fifty-five possible points in subsection (1) of this section and the five points in this subsection. This produces the maximum points a project can be awarded in this factor. The actual points are determined by the relationship between the district's unhoused percentage three years in the future divided by the unhoused percentage five years in the future. For example, if a district received 43.57 points in subsection (1) of this section due to a projected thirty percent unhoused condition and its three-year projection is that it will be twenty-four percent unhoused, it will receive 3.17 points (i.e., $((42.57 \times .091) \times (24 \text{ percent}/30 \text{ percent})) = 3.17$).

(3) Number of years unhoused - Five possible points. This factor is to recognize the duration of an unhoused problem. One point is awarded for each year the district has had an unhoused condition in the applicable grade category during the past five years, up to the five points maximum.

The scores shall be determined at the time of project approval per WAC 392-341-045. These scores shall be carried for a period of twenty-four months, at which time new scores shall be determined utilizing the then most current enrollment projections and facts. A district may request a redetermination of scores at any time.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-510, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-510, filed 8/3/92, effective 9/3/92.]

WAC 392-343-515 Modernization or new-in-lieu of modernization priority elements. The three priority elements that are related to modernization or new-in-lieu projects are as follows:

(1) Health & safety - Twenty possible points. A maximum of sixteen points are awarded based on the evaluation contained in the Building Condition Evaluation Form (BCEF) (WAC 392-343-535) and are awarded as follows:

15 - 19 percent = 16 points, 20 - 24 percent = 15 points, 25 - 29 percent = 14 points, etc., until 95 percent at which no points are awarded.

The health and safety condition points are combined with an additional:

Two points if school does not meet seismic code requirements.

Two points if school is not asbestos free.

(2) Condition of building - Thirty possible points. The score is based on the Building Condition Evaluation Form (WAC 392-343-535) analysis for all categories other than access for persons with disabilities. If the building condition score is thirty-one or less, then the maximum thirty points are awarded to the project. If the condition score is ninety-one or more, then no points are awarded. If the condition score is from thirty-two to ninety, the condition score is subtracted from ninety-one and multiplied by fifty percent to determine the points. In cases where projects affect multiple buildings, the BCEF score is weighted by the proportion of gross square feet (GSF) affected.

(3) Cost/benefit factor - Ten minus points possible. If the proposed project is a modernization and the BCEF score is less than forty, one point is deducted for each point the BCEF score is less than forty up to a total possible deduction of ten points.

If the proposed project is a new-in-lieu of modernization and the BCEF score is greater than sixty, one point is deducted for each point the BCEF score is higher than sixty to a total possible deduction of ten points.

The scores shall be determined at the time of project approval per WAC 392-341-045. These scores shall be carried until the district requests a redetermination.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-515, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-515, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.-020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-515, filed 8/3/92, effective 9/3/92.]

WAC 392-343-525 State assistance—Priorities for co-ops. For cooperative projects approved by the superintendent of public instruction under the authority of chapters 392-345 and 392-346 WAC, the following priority scores shall be assigned with similar projects ranked in order of date of approval with the earliest date ranked highest:

Type of Interdistrict	Priority Score
Cooperative Facility	
Vocational Skill Centers	25
Transportation Centers	10
Other Cooperative Facilities	20

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-525, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-525, filed 8/3/92, effective 9/3/92.]

WAC 392-343-530 Type of school space—Determination. In order to determine the inventory space category of net assignable square feet for priority scoring purposes in WAC 392-343-505, the category use for which the space is designated by the district shall be the assigned category. When inventory space has been designated and scheduled for multiple purposes, the category for priority scoring purposes shall be the primary scheduled use.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-530, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-530, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-530, filed 8/3/92, effective 9/3/92.]

WAC 392-343-535 Existing building condition—Evaluation. Building condition and health and safety evaluations for purposes of determining priority scores and completing building inventories shall be conducted and reported to the superintendent of public instruction, utilizing an evaluation model and reporting forms for building type, history, equipage, condition, health and safety factors, and portables on site that shall be adopted and subject to revision from time to time by the superintendent of public instruction. The information provided by the district on these forms shall be subject to review by the staff or agents of the superintendent of public instruction, or to audit by the state auditor. Compliance with this requirement for all schools in a district is a requirement for the receipt of any state construction assistance for projects approved after January 26, 1991.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-535, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-535, filed 8/3/92, effective 9/3/92.]

WAC 392-343-600 Emergency repair grant applications—Definitions—"Emergency repair," "imminent health and safety hazards," and "local funding." As used in WAC 392-343-605 through 392-343-615:

(1) The term "emergency repair" means a repair to a school building necessitated by causes specified in any current biennial appropriation.

(2) The term "imminent health and safety hazard" means a threat of immediate physical injury to the occupants of a building.

(3) The term "local funding" means insurance settlements, litigation proceeds in excess of costs, any unreserved general fund balance in excess of \$200/FTE student for first class districts or \$500/FTE student for second class districts as reported in the most recently available annual fiscal report (F196), any unobligated, unreserved capital fund balance, any capital funds reserved for uninsured risk, and any unused voter-approved bond capacity. Districts shall not be required to pass bond or levy issues or incur nonvoted debt in order to qualify for these funds.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-600, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-600, filed 12/1/99, effective 1/1/00. Statutory Authority: 1995 2nd sp.s. c 16 § 508. 95-20-088, § 180-27-600, filed 10/4/95, effective 11/4/95.]

WAC 392-343-605 Emergency repair grant applications—Contents of applications. The superintendent of public instruction may allocate any funds specifically appropriated for this purpose by the legislature to school districts for emergency repair projects for school buildings which present imminent health and safety hazards for building occupants in accordance with the following process and eligibility criteria:

(1) A school district board of directors shall approve and present to the superintendent of public instruction a written application for emergency repair funding on a form provided by the superintendent of public instruction.

(2) The application and accompanying documentation shall include, but not be limited to:

(a) Certification of the unrestricted balance, if any, of the district's general fund and capital projects fund and that all avenues of local funding have been exhausted;

(b) A determination and description of available alternative housing options for occupants of the building;

(c) A detailed description of the nature of the emergency repair;

(d) A detailed description of the nature and extent of the imminent health and safety hazards that exist, and the extent they would be alleviated by the emergency repair;

(e) Evidence that the district is aggressively pursuing civil remedies against the responsible party or parties as appropriate;

(f) Certification by a health official, fire official, building official, labor and industries official or other independent and competent authority that an imminent health and safety hazard to building occupants of a specified nature and extent exists unless the emergency repairs are made; and

(g) The estimated cost of the emergency repairs based upon an estimate made by two or more independent, qualified cost estimators.

(h) A plan for repayment of the grant.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-605, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-605, filed 12/1/99, effective 1/1/00. Statutory Authority: 1995 2nd sp.s. c 16 § 508. 95-20-088, § 180-27-605, filed 10/4/95, effective 11/4/95.]

WAC 392-343-610 Emergency repair grant applications—The superintendent of public instruction approval/disapproval. The superintendent of public instruction shall determine whether or not an application shall be funded and, if so, the amount to be funded. The superintendent of public instruction shall make the final decisions respecting emergency repair applications and grants.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-610, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-610, filed 12/1/99, effective 1/1/00. Statutory Authority: 1995 2nd sp.s. c 16 § 508. 95-20-088, § 180-27-610, filed 10/4/95, effective 11/4/95.]

WAC 392-343-615 Emergency repair grant applications—Repayment conditions. Grants of emergency repair moneys shall be conditioned upon the written commitment and plan of the school district board of directors to repay the grant by waiving the school district's current or future eligibility for state building assistance under chapters 392-341 through 392-347 WAC, or with insurance payments, or with any judgment(s) that have been awarded, or with other means and sources of repayment. Any such written commitment and plan for repayment may subsequently be modified by mutual agreement between the school district board of directors and the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-615, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-615, filed 12/1/99, effective 1/1/00. Statutory Authority: 1995 2nd sp.s. c 16 § 508. 95-20-088, § 180-27-615, filed 10/4/95, effective 11/4/95.]

Chapter 392-344 WAC

STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—PROCEDURAL REGULATIONS

(Formerly chapter 180-29 WAC)

WAC

392-344-005
392-344-010

Authority.
Purpose.

392-344-012	Waiver of rules to facilitate alternative public works contracting procedures.
392-344-021	Deadline for submission of agenda items.
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392-344-035	Site.
392-344-040	Educational specifications.
392-344-045	Notice to proceed with design.
392-344-050	Educational specifications contracts.
392-344-055	Architect-engineer contracts.
392-344-060	Energy conservation report contracts.
392-344-065	Value engineering contracts.
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392-344-067	Building commissioning contracts.
392-344-068	Construction management.
392-344-075	Contracts—Filing.
392-344-080	Construction documents—Bids and contract provisions.
392-344-085	Construction and other documents—Submittal.
392-344-090	Construction documents—Other governmental agency approval.
392-344-095	Construction documents—Compliance with public works statutory provisions.
392-344-100	Construction documents—Compliance with state building code.
392-344-105	Bids—Advertisement.
392-344-107	Bid opening—Superintendent of public instruction approval.
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392-344-108	Condition precedent to approval to bid.
392-344-110	Bids—Data and document requirements.
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392-344-125	Award of contract(s).
392-344-130	Disbursement of moneys—Sequence of payments.
392-344-135	Disbursement of moneys—General provisions applicable to payments.
392-344-140	Disbursements of moneys by school district(s)—Superintendent of public instruction filing.
392-344-145	Disbursement of moneys by superintendent of public instruction.
392-344-147	Retained percentage law related requirements.
392-344-150	Changes in contract cost.
392-344-155	Final acceptance of project by architect/engineer.
392-344-160	Acceptance of project by school district.
392-344-165	Documents required for release of retainage by school district.
392-344-170	Liens.
392-344-200	Forms.

WAC 392-344-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provision of chapter 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.-050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-005, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-29-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-005, filed 10/17/83.]

WAC 392-344-010 Purpose. The purpose of this chapter is to set forth the procedures governing all applications for state assistance, allocations of state funds, and disbursements by school districts and the superintendent of public instruction for school facility projects approved for state assistance by the superintendent of public instruction. The superintendent of public instruction shall prescribe and furnish forms for the purposes set forth in this chapter.

(2007 Ed.)

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-010, filed 10/17/83.]

WAC 392-344-012 Waiver of rules to facilitate alternative public works contracting procedures. The provisions of this chapter may be deemed waived in accordance with WAC 392-341-012.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-012, filed 7/25/06, effective 8/25/06; 01-08-040, § 180-29-012, filed 3/30/01, effective 4/30/01.]

WAC 392-344-021 Deadline for submission of agenda items. All items related to the approval of school facilities and requiring action by the superintendent of public instruction shall be submitted to the superintendent of public instruction no later than sixty days prior to the date of any regular superintendent of public instruction meeting at which action is expected.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-021, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-021, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 85-24-050 (Order 27-85), § 180-29-021, filed 11/27/85.]

WAC 392-344-025 Superintendent of public instruction review. Upon completion of the study and survey by the superintendent of public instruction and review by district board of directors, the study and survey and an application for state assistance from the district for the project(s) to be considered shall be reviewed by the superintendent of public instruction. Superintendent of public instruction approval of a proposed project(s) shall establish the maximum matchable area and estimated amount of state financial assistance based upon the information furnished in the study and survey.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-025, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-025, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-025, filed 10/17/83.]

WAC 392-344-035 Site. (1) The district shall provide the superintendent of public instruction with certification from the district board of directors that the site will not create or aggravate racial imbalance.

(2) Review of the site by the superintendent of public instruction as required by chapter 392-342 WAC shall be completed prior to issuance of preliminary funding status.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-035, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-035, filed 10/17/83.]

WAC 392-344-040 Educational specifications. Prior to the commencement of the design of the proposed school facility, the school district shall cause to be prepared the educational specifications pursuant to chapter 392-342 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-040, filed 7/25/06, effective 8/25/06; 99-24-126, § 180-29-040, filed 12/1/99, effective 1/1/00; 99-18-107, § 180-29-040, filed 9/1/99, effective 10/2/99. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-040, filed 10/17/83.]

[Title 392 WAC—p. 377]

WAC 392-344-045 Notice to proceed with design.

After completion of the educational specifications review process as set forth in WAC 392-344-040 and after approval of the site, the superintendent of public instruction shall transmit to the school district a notice to proceed with the design of the school facility.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-045, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-045, filed 10/17/83.]

WAC 392-344-050 Educational specifications contracts. Contracts between the school district and the educational specifications consultant, if any, shall stipulate the amount of fee and the consultant's duties, i.e., scope of work, to be performed as required in chapter 392-342 WAC set forth.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-050, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-050, filed 10/17/83.]

WAC 392-344-055 Architect-engineer contracts.

Architects and engineers employed on approved school facility projects involving state school building moneys shall be licensed to practice in the state of Washington. Contract(s) between the school district and the architects and engineers shall stipulate the maximum amount of the fee and the duties, i.e., scope of work, to be performed as required in chapter 392-343 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-055, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-055, filed 10/17/83.]

WAC 392-344-060 Energy conservation report contracts. Contracts between the school district and the energy conservation consultant, if not included in the architect-engineer contract for professional services, shall stipulate the amount of fee and the consultant's duties, i.e., scope of work, to be performed as required by chapter 392-343 WAC set forth.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-060, filed 10/17/83.]

WAC 392-344-065 Value engineering contracts.

Value engineering consultants employed on approved school facilities projects shall include a value engineering team coordinator/leader qualified by the Society of American Value Engineers to manage and coordinate a value engineering study. Contracts between the school district and the value engineering consultant shall stipulate the amount of the fee and the consultant's duties, i.e., scope of work, to be performed as in chapter 392-343 WAC set forth.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-065, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-065, filed 10/17/83.]

WAC 392-344-066 Constructability review contracts. Consultants performing constructability reviews on approved school facilities shall utilize an independent multi-discipline team and shall have a minimum of five years of experience providing constructability reviews of equivalent size projects. Contracts between the school district and the

consultant shall stipulate the amount of the fee and the consultant's duties to be performed as in chapter 392-343 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-066, filed 7/25/06, effective 8/25/06; 99-24-126, § 180-29-066, filed 12/1/99, effective 1/1/00.]

WAC 392-344-067 Building commissioning contracts. Consultants performing building commissioning on approved school facilities shall incorporate the attributes of the building commissioning association in their commissioning program. Contracts between the school district and the consultant shall stipulate the amount of the fee and the consultant's duties to be performed as in chapter 392-343 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-067, filed 7/25/06, effective 8/25/06; 99-24-126, § 180-29-067, filed 12/1/99, effective 1/1/00.]

WAC 392-344-068 Construction management. A school district shall employ or contract for professional construction management pursuant to chapter 392-343 WAC. Construction managers shall have recent demonstrable experience on projects of similar size and type. Construction managers hired as employees of the district shall have employment agreements clearly stipulating the duties and responsibilities of the employee. Contracts between the school district and outside consultants shall stipulate the amount of the fee and the consultant's duties to be performed as in chapter 392-343 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-068, filed 7/25/06, effective 8/25/06; 00-04-008, § 180-29-068, filed 1/20/00, effective 2/20/00.]

WAC 392-344-075 Contracts—Filing. The school district shall submit to the superintendent of public instruction one copy of the following contracts for projects approved by the superintendent of public instruction for state assistance:

- (1) Educational specifications (WAC 392-344-050)
- (2) Architect-engineer (WAC 392-344-055)
- (3) Energy conservation report (WAC 392-344-060)
- (4) Value engineering (WAC 392-344-065)
- (5) Constructability review (WAC 392-344-066)
- (6) Building commissioning (WAC 392-344-067)
- (7) Construction management (WAC 392-344-068).

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-075, filed 7/25/06, effective 8/25/06; 99-24-126, § 180-29-075, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-075, filed 10/17/83.]

WAC 392-344-080 Construction documents—Bids and contract provisions. The construction documents shall include the following bid and contract provisions:

- (1) Separate or combined bids. The school district shall determine if the bids for general, mechanical, or electrical are to be separate or combined.
- (2) Combination projects. For those projects which include a combination of both new construction and modernization, bid documents shall provide for separate and distinct bids for each and shall, when combined, be the low bid for the project.
- (3) Ineligible items. Items ineligible for state matching shall be bid separate or as an alternate.

(4) Bid law. All items included in the construction documents shall be bid in accordance with RCW 28A.335.190 and 43.19.1906.

(5) Commercial all-risk property insurance. Provision for commercial all-risk property insurance is mandatory for all school facilities under construction. The insurance shall cover at a minimum the amount of the work in place and materials to be used in the project which is in place and on the site. A certificate of insurance shall be submitted to the superintendent of public instruction that insurance is provided for by the contractor or the school district. Only costs for insurance provided for in the construction documents will be matched.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-344-080, filed 7/25/06, effective 8/25/06; 98-23-034, § 180-29-080, filed 11/10/98, effective 12/11/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-29-080, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-080, filed 10/17/83.]

WAC 392-344-085 Construction and other documents—Submittal. (1) For the purpose of determining that the provisions set forth in chapters 392-341 through 392-344 WAC have been complied with prior to the opening of bids of any project to be financed with state moneys, the school district shall have on file with the superintendent of public instruction the following:

(a) One copy of the construction documents forwarded by others;

(b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;

(c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 392-344-090;

(d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 392-343 WAC;

(e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 392-343-100;

(f) One copy of the value engineering and constructability review reports as accepted by the school district board of directors. The reports shall include the following:

(i) A brief description of the original design;

(ii) A brief description of the value engineering or constructability review methodology used;

(iii) The areas analyzed;

(iv) The design alternatives proposed;

(v) The cost changes proposed;

(vi) The alternates accepted; and

(vii) A brief statement explaining why each alternate not accepted was rejected;

(g) Completed Building Condition Evaluation Forms (BCEF) as required by WAC 392-343-535 for every school facility in the district.

(2) If the above documents reflect an increase in square foot size from the application approved by the superintendent of public instruction as per WAC 392-344-030 which will result in an increase in state support, a new application must be submitted to the superintendent of public instruction.

(2007 Ed.)

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-085, filed 7/25/06, effective 8/25/06; 00-18-060, § 180-29-085, filed 9/1/00, effective 10/2/00; 99-24-126, § 180-29-085, filed 12/1/99, effective 1/1/00; 98-19-141, § 180-29-085, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-29-085, filed 8/3/92, effective 9/3/92. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-085, filed 10/17/83.]

WAC 392-344-090 Construction documents—Other governmental agency approval. The construction documents shall be submitted for the approval of the following other governmental agencies:

(1) Fire marshal or fire chief having jurisdiction when permitted by the state fire marshal;

(2) Department of labor and industries or local jurisdiction when permitted by the department of labor and industries (electrical);

(3) Health agency having jurisdiction;

(4) Department of ecology or the local agency having jurisdiction for environmental approvals (when applicable); and

(5) Building official having jurisdiction.

Approvals shall be in respect to compliance with pertinent rules and regulations established by said agencies.

Written approvals of the construction documents by the agencies shall be submitted to the superintendent of public instruction in accordance with WAC 392-344-085.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-090, filed 7/25/06, effective 8/25/06; 98-23-035, § 180-29-090, filed 11/10/98, effective 12/11/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-01-014, § 180-29-090, filed 12/3/93, effective 1/3/94. Statutory Authority: RCW 28A.47.802. 84-21-003 (Order 11-84), § 180-29-090, filed 10/4/84. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-090, filed 10/17/83.]

WAC 392-344-095 Construction documents—Compliance with public works statutory provisions. The construction documents shall provide for compliance by the contractor with pertinent statutory provisions relating to public works including the following:

(1) Chapter 39.08 RCW relating to contractor's bond;

(2) Chapter 39.12 RCW relating to prevailing wages;

(3) Chapter 18.27 RCW relating to contractor registration;

(4) Chapter 49.28 RCW relating to hours of labor;

(5) Chapter 49.60 RCW relating to discrimination; and

(6) Chapter 70.92 RCW relating to the provisions for the aged and physically handicapped.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-344-095, filed 7/25/06, effective 8/25/06. Statutory Authority: Chapter 39.25 RCW, RCW 39.25.010, 39.25.020 and 39.25.030. 95-08-031, § 180-29-095, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.47.802. 84-21-003 (Order 11-84), § 180-29-095, filed 10/4/84. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-095, filed 10/17/83.]

WAC 392-344-100 Construction documents—Compliance with state building code. The architect/engineer shall certify to the superintendent of public instruction that to the best of his knowledge the construction documents are in compliance with the provisions of the state building code, chapter 19.27 RCW, and any and all other pertinent state and local statutes relating to school building construction.

[Title 392 WAC—p. 379]

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-344-100, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-100, filed 10/17/83.]

WAC 392-344-105 Bids—Advertisement. In accordance with RCW 28A.335.190 and 43.19.1906, school districts shall advertise for bids once each week for two consecutive weeks in a trade journal of general circulation and a like number of times in a publication of general circulation throughout the area.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-344-105, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-29-105, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-105, filed 10/17/83.]

WAC 392-344-107 Bid opening—Superintendent of public instruction approval. (1) A school district shall not open bids until receiving written approval of the superintendent of public instruction. Such approval shall not be granted if more than one year has passed since the project received preliminary funding status pursuant to WAC 392-342-050.

(2) The superintendent of public instruction shall grant approval if moneys are available for state assistance and the required documents pursuant to WAC 392-344-075, 392-344-080, 392-344-085, 392-344-090, 392-344-095, and 392-344-100 are complete.

(3) If the superintendent of public instruction determines that the required documents are incomplete, the superintendent of public instruction shall hold the project and notify the school district in writing as to the incomplete items.

(4) If moneys are not available for state assistance in construction, the school district shall notify the superintendent of public instruction that they are proceeding with their own moneys with the expectation that they will be reimbursed as per WAC 392-343-057.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-107, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-055, § 180-29-107, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-29-107, filed 11/27/85; 83-21-067 (Order 12-83), § 180-29-107, filed 10/17/83.]

WAC 392-344-1075 Superintendent of public instruction commitment when district is authorized to open bids. When a district is granted approval to open bids pursuant to WAC 392-344-107, the superintendent of public instruction is committed as provided at WAC 392-344-107 as well as to all other state building assistance determinations including but not limited to additional state assistance and professional fees determined pursuant to state building assistance rules and regulations in effect at the time such approval to open bids is granted. This commitment is subject to the district's compliance with the time limitation for requesting an authorization for contract award as set forth in WAC 392-344-108.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-1075, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-1075, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1991 c 14. 91-20-151, § 180-29-1075, filed 10/2/91, effective 11/2/91. Statutory Authority: RCW 28A.47.830. 86-04-065 (Order 1-86), § 180-29-1075, filed 2/4/86.]

[Title 392 WAC—p. 380]

WAC 392-344-108 Condition precedent to approval to bid. Any project for which the superintendent of public instruction authorizes a district to open bids pursuant to WAC 392-344-107 shall request an authorization for contract award pursuant to WAC 392-344-110 within ninety calendar days of receipt of approval pursuant to WAC 392-344-107: Provided, That the ninety-day period shall be automatically extended for an additional ninety calendar days if:

(1) The lowest legally acceptable base bid, exclusive of alternates, received by a district exceeds the cost estimate submitted to the superintendent of public instruction pursuant to WAC 392-344-085 by ten percent or more; and

(2) Prior to the expiration on or after June 15, 1989, of the initial ninety-day period the district has rejected, or hereafter rejects, all bids in order to solicit new bids.

A district which fails to request an authorization for contract award pursuant to WAC 392-344-110 within the time period allowed by this section shall have its authority to proceed withdrawn. Districts with such projects withdrawn may reinitiate an application for state assistance by first reapplying for project approval pursuant to WAC 392-341-040.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-108, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 89-22-008, § 180-29-108, filed 10/20/89, effective 11/20/89; 85-24-047 (Order 24-85), § 180-29-108, filed 11/27/85.]

WAC 392-344-110 Bids—Data and document requirements. School districts shall demonstrate that they have complied with RCW 28A.335.190 and 43.19.1906 and shall not enter into contract(s) for construction until the following certified copies have been submitted and approved by the superintendent of public instruction:

- (1) Each advertisement for bid;
- (2) Tabulated statement of all bids received;
- (3) Recommendation of the board of directors for award of contract(s) on the basis of bids received, including all accepted alternates;
- (4) Alternate bids;
- (5) Names and addresses of all bidders;
- (6) Certified statement of costs for special inspections and testing;
- (7) Certified statement of amount of local and/or other disburseable funds available specifically for the project, exclusive of state funds, with the source of funds identified, including identity and amount of nonhigh school district funds when applicable.

If the recommended contractor is not the low bidder, the school district shall give reasons pursuant to statutory provisions set forth in RCW 43.19.1911.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-344-110, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-29-110, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-110, filed 10/17/83.]

WAC 392-344-115 Authorization for contract award. (1) Upon receipt of the items as per WAC 392-344-110, the superintendent of public instruction shall:

- (a) Analyze the bids;
- (b) Determine the amount of state moneys allocable; and
- (c) Make an allocation of state moneys for construction and other items as per chapter 392-343 WAC.

(2007 Ed.)

(2) Authorization for contract award and allocation of state moneys shall be contingent upon the following:

(a) The contract price for the construction has been established by competitive bid(s); and

(b) The school district has available sufficient local funds pursuant to chapter 392-341 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-115, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-115, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1991 c 14. 91-20-151, § 180-29-115, filed 10/2/91, effective 11/2/91. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-115, filed 10/17/83.]

WAC 392-344-120 School district authorized agent.

The school district shall provide the superintendent of public instruction with the certified signature(s) of district personnel authorized by board resolution for the purposes in this chapter requiring district authorization(s).

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-344-120, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-120, filed 10/17/83.]

WAC 392-344-125 Award of contract(s). Upon receipt of authorization to award contract(s) from the superintendent of public instruction, the board of directors of the school district shall award contract(s) for construction of the school facility project no later than the expiration of the time period permitted by the terms and conditions of the bid(s) for the award of contract(s). Immediately following the awarding of contract(s), the board of directors of the school district shall forward to the superintendent of public instruction one copy of each properly executed contract, one copy of the contractor's cost breakdown, and one copy of the contract(s) payment schedule. Such cost breakdown and payment schedule shall be displayed on a form issued and approved by the superintendent of public instruction in accordance with WAC 392-344-085 (1)(b). All state assistance-related approvals granted by the superintendent of public instruction under this chapter shall lapse and be null and void if a school district fails to award contract(s) within the time period permitted by the terms and conditions of the bid(s), unless noncompliance is waived for extraordinary reasons by the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-125, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 28A.525.200. 95-08-030, § 180-29-125, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-01-013, § 180-29-125, filed 12/3/93, effective 1/3/94. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-125, filed 10/17/83.]

WAC 392-344-130 Disbursement of moneys—Sequence of payments. The order in which funds shall be disbursed for school facility construction shall be as follows:

(1) Prior to payment from state moneys, the school district shall make payments on all claims submitted until such time as the total amount of school district moneys obligated by the district have been expended.

(2) When local moneys have been expended as in subsection (1) of this section, payments from state moneys shall then be made: Provided, That for projects authorized for state funding pursuant to WAC 392-344-115(2) after June 30,

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1993, payment shall be made after receipt of written certification by the school district board of directors that the school facility project authorized for state matching funds has been or will be completed according to the purposes for which the state matching funds are being provided.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-130, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1994 c 6 sp.s. 94-13-019, § 180-29-130, filed 6/3/94, effective 7/4/94. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-130, filed 10/17/83.]

WAC 392-344-135 Disbursement of moneys—General provisions applicable to payments. Disbursement of moneys shall be in accordance with the following provisions:

(1) Payments to contractor(s) by school district. Payments to contractors shall be on the basis of work completed. Contractors shall submit to the school district monthly estimates of work completed which shall be supported by the architect/engineer's certificate for payment. No payments shall be made without certification from the architect/engineer that such work has been completed.

(2) Payments to others. Payments to others as per chapter 392-343 WAC shall be made in accordance with the contract provisions for those services.

(3) Retainage. The provisions of chapter 60.28 RCW relating to public works contracts and of WAC 392-344-147 shall govern retainage on contract payments.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-135, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-14-028, § 180-29-135, filed 6/28/94, effective 7/29/94. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-135, filed 10/17/83.]

WAC 392-344-140 Disbursements of moneys by school district(s)—Superintendent of public instruction filing. At such time as the total amount of school district moneys obligated have been expended, a signed statement by an authorized agent of the board of directors comprising a listing of all payments to contractors and others, including retainage, shall be submitted to the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-344-140, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-140, filed 10/17/83.]

WAC 392-344-145 Disbursement of moneys by superintendent of public instruction. All school district claims for payment from state moneys shall be submitted to the superintendent of public instruction on invoice vouchers provided by the superintendent of public instruction and shall be signed by the authorized agent of the school district. State warrants issued in payments, unless the school district agent designates a specific payee, shall be drawn payable to the school district. In all cases, warrants shall be transmitted to the school district for disposition.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-344-145, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-145, filed 10/17/83.]

WAC 392-344-147 Retained percentage law related requirements. (1) State school building assistance is conditioned upon a school district's compliance with the cash, or

bond in lieu of cash, retained percentage requirements of chapter 60.28 RCW and this section. A school district may elect to administer compliance with all requirements of chapter 60.28 RCW or, in part, designate the superintendent of public instruction as agent of the school district for purposes of administering retained percentage moneys reserved under RCW 60.28.011.

(2) Under RCW 60.28.011, a school district either:

(a) Must provide for the reservation of five percent of all moneys earned by a contractor either by the district, deposited by the district in an interest-bearing account or placed in escrow as provided in RCW 60.28.011(4); or

(b) Must accept a bond submitted by the contractor from any portion of the retainage in a form acceptable to the superintendent of public instruction and the school district and from a bonding company which meets the standards established at subsection (4)(b) of this section and by the school district, unless the school district can demonstrate good cause for refusing to accept the bond.

As a general rule, the superintendent of public instruction prefers and recommends the cash retainage option for reasons which include the security and ease of enforcement which the cash option affords.

(3) Cash retainage.

(a) If the school district reserves five percent of all moneys earned by the contractor in a retainage trust fund administered by the school district in accordance with RCW 60.28.-011(1), moneys deposited in that trust fund (whether retained by the district, deposited by the district in an interest-bearing account, or placed in escrow), may be paid to the contractor without prior written consent by the superintendent of public instruction. The superintendent of public instruction shall make available to the school district model procedures and forms for setting up the trust fund selected by the contractor under RCW 60.28.011(4).

(b) At the request of the school district, the superintendent of public instruction may be designated as agent of the school district for cash retainage and will:

(i) Administer the retained percentage trust fund in accordance with RCW 60.28.011, inclusive of depositing, releasing and accounting for such moneys;

(ii) Establish and administer the retained percentage trust fund in accordance with the terms of chapter 60.28 RCW, and such terms as may be established by the superintendent of public instruction to ensure compliance with chapter 60.28 RCW, the security of trust fund moneys and efficient administration; and

(iii) Ensure that no moneys lawfully deposited in the retained percentage trust fund shall be paid to the contractor without the prior written consent of the superintendent of public instruction, except for the payment of interest earnings as may be required by law.

(4) If at the request of the contractor the bond in lieu of cash retained percentage option is implemented the following conditions apply:

(a) The bond shall be in terms and of a form approved and established by the superintendent of public instruction to ensure that the bond adequately addresses the purposes of chapter 60.28 RCW; and

(b) The bond shall be signed by a surety that is:

(i) Registered with the Washington state insurance commissioner; and

(ii) On the currently authorized insurance list published by the Washington state insurance commissioner.

(c) Whatever additional requirements for the bonding company as may be established by the school district.

(5) The release of retainage, whether cash or bond-in-lieu, shall be conditioned upon satisfactory compliance with the provisions of WAC 392-344-165.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-147, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(c). 94-14-028, § 180-29-147, filed 6/28/94, effective 7/29/94.]

WAC 392-344-150 Changes in contract cost. The final contract cost shall be determined after inclusion of the net change due to additive and/or deductive change orders. If the final contract cost results in an increase above the original bid amount, the school district shall finance the entire increase. If the final contract cost results in a decrease from the original bid amount, the school district and the state shall share the amount of the decrease based on the matching ratio in effect at the time of contract award. Copies of all change orders when executed and signed by the school district's authorized agent and the project architect/engineer shall be forwarded to the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-344-150, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-150, filed 10/17/83.]

WAC 392-344-155 Final acceptance of project by architect/engineer. Upon final completion of the project by contractor(s), the architect/engineer shall inspect the project to determine compliance with the construction documents. The architect/engineer, upon determining that the project has been completed satisfactorily, shall make such recommendation through the issuance of a certificate of completion to the school district board of directors. Separate certificates of completion shall be written for each contract awarded. Certificates of completion shall provide a statement of work completed including the gross square footage of new and/or modernized construction per WAC 392-343-019.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-155, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-155, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.-830. 83-21-067 (Order 12-83), § 180-29-155, filed 10/17/83.]

WAC 392-344-160 Acceptance of project by school district. Based upon board acceptance of a building commissioning report when required and an inspection of the project and the certificate(s) of completion signed by the architect/engineer, the school district board of directors shall accept the project as complete or reject the project as incomplete. Until the superintendent of public instruction receives a school district board resolution officially accepting the project as complete and a copy of the commissioning report with board acceptance, no release of retainage shall be made in accordance with WAC 392-344-165.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-160, filed 7/25/06, effective 8/25/06; 99-24-126, § 180-29-160, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-29-160, filed

11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-160, filed 10/17/83.]

WAC 392-344-165 Documents required for release of retainage by school district. Release of retainage on contracts shall be subject to receipt by the superintendent of public instruction of the following documents:

(1) These documents shall be required no later than thirty days after official acceptance:

(a) Properly executed state invoice voucher as per the requirements of WAC 392-344-145;

(b) Architect/engineer certificate(s) of completion;

(c) School district board of directors' resolution of final acceptance signed by the authorized agent of the school district.

(2) These documents shall be required no later than sixty days after official acceptance:

(a) Certification by the authorized agent of the school district that the district has on file all affidavits of wages paid in compliance with RCW 39.12.040;

(b) After expiration of forty-five days following acceptance of the project by the school district, a signed statement by the authorized agent of the school district that no lien(s) is on file with the school district or a certified list of each lien is on file with the school district. A copy of each lien shall be forwarded to the superintendent of public instruction;

(c) Either a permanent or temporary occupancy permit by building official of the jurisdiction. Also required are release documents as defined in chapter 60.28 RCW, RCW 50.24.130, and 51.12.050.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-165, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-29-165, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-165, filed 10/17/83.]

WAC 392-344-170 Liens. In the event that liens are filed with the school district, the provisions of RCW 60.28-010 through 60.28.060 shall apply. If the district holds a cash retainage under WAC 392-344-147 (2)(a), the amount of each lien plus three thousand dollars or twenty-five percent of the claim, whichever is greater, for potential attorney fees, plus ten percent of the lien claim for court costs, shall be withheld from the retainage until any lien has been removed.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-170, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-14-028, § 180-29-170, filed 6/28/94, effective 7/29/94. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-170, filed 10/17/83.]

WAC 392-344-200 Forms. In addition to forms prescribed in WAC 392-341-200 and 392-342-200, commencing January 1, 1986, forms applicable to the provisions of this chapter for school facility projects shall be as follows:

(1) Applications for secured funding status pursuant to WAC 392-344-107 shall be designated as SPI Form D-7.

(2) Grants of secured funding status pursuant to WAC 392-344-107 shall be given to districts through SPI Form D-8.

(3) Grants of authority for school districts to proceed without secured funding status pursuant to WAC 392-344-107 shall be given to districts through SPI Form D-8-1.

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(4) Applications for authority to enter into contracts pursuant to WAC 392-344-110 shall be designated as SPI Form D-9.

(5) Grants of authority to enter into contracts pursuant to WAC 392-344-115 shall be given to districts through SPI Form D-10.

(6) Grants of authority for school districts to enter into contracts without secured funding status pursuant to WAC 392-344-115 shall be given to districts through SPI Form D-10-1.

(7) Applications for SPI to release retainage pursuant to WAC 392-344-165 shall be designated as SPI Form D-11.

(8) Grants of release of final retainage pursuant to WAC 392-344-165 shall be given through SPI Form D-12.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-344-200, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-200, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.-830. 85-24-047 (Order 24-85), § 180-29-200, filed 11/27/85.]

Chapter 392-345 WAC

STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—INTERDISTRICT COOPERATION IN FINANCING SCHOOL PLANT CONSTRUCTION

(Formerly chapter 180-31 WAC)

WAC

392-345-005	Authority.
392-345-010	Purpose.
392-345-012	Waiver of rules to facilitate alternative public works contracting procedures.
392-345-015	Applicant district defined.
392-345-020	Cooperative plan subject to the superintendent of public instruction approval.
392-345-025	Application provisions.
392-345-030	Interdistrict cooperative agreements.
392-345-035	Approval of program or services by superintendent of public instruction.
392-345-040	Dissolution provisions.
392-345-045	Interdistrict cooperation in financing school construction—Project construction approval required—Rules and regulations governing.

WAC 392-345-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions and disbursements of allotments to school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-345-005, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-31-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-005, filed 10/17/83.]

WAC 392-345-010 Purpose. The purpose of this chapter is to set forth provisions applicable to approval of a cooperative financing plan for the construction or modernization of school facilities by two or more school districts.

[Statutory Authority: RCW 28A.525.020. 06-16-031, recodified as § 392-345-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-010, filed 10/17/83.]

WAC 392-345-012 Waiver of rules to facilitate alternative public works contracting procedures. The provisions of this chapter may be deemed waived in accordance with WAC 392-341-012.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-345-012, filed 7/25/06, effective 8/25/06; 01-08-040, § 180-31-012, filed 3/30/01, effective 4/30/01.]

WAC 392-345-015 Applicant district defined. The board of directors of the school district in which the proposed new school facility is to be located or in which the school facility proposed for modernization is located shall be the applicant district and it shall be the responsibility of said board of directors to submit the application for financial plan approval.

[Statutory Authority: RCW 28A.525.020. 06-16-031, recodified as § 392-345-015, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-015, filed 10/17/83.]

WAC 392-345-020 Cooperative plan subject to the superintendent of public instruction approval. Any interdistrict financial plan for construction or modernization of school facilities utilizing state moneys in the financing of the proposed project, shall require approval by the superintendent of public instruction prior to carrying into effect the provisions of such plan. The superintendent of public instruction approval is only required for projects utilizing state moneys.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-345-020, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-020, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-020, filed 10/17/83.]

WAC 392-345-025 Application provisions. For projects utilizing state moneys, the host district shall submit a written application to the superintendent of public instruction which shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the school facility is to be located (host district) or, in the event of modernization, the board of directors in which jurisdiction the facility is located (host district);

(b) Designate such board of directors of the host district as the legal applicant. Evidence shall be submitted that the said resolution has been incorporated in the official record of the board of directors of each participating school district; and

(c) Certify that the facility shall be used for the purpose for which it was constructed unless an exception is granted by the superintendent of public instruction.

(2) Copy of contract(s) between applicant district and participating school districts prepared in accordance with provisions in WAC 392-345-030.

(3) A statement defining the education program or services to be offered and the number and grade level(s) by dis-

trict of all students to be housed in the proposed new or modernized facility.

(4) A description of the proposed project including size in terms of square feet and the estimated cost of construction including professional services, sales tax, site acquisition and site development.

(5) An area map indicating location of schools within the participating school districts and the location of the proposed new or modernized school facility.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-345-025, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-025, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-025, filed 10/17/83.]

WAC 392-345-030 Interdistrict cooperative agreements. Interdistrict agreements between applicant and participating districts shall contain and set forth a description of the following elements:

(1) Financial terms by which each cooperating district will participate in the cost of construction or modernization and operation of the school facility;

(2) Administration of the school facility and of the program or services to be offered therein and specific services to be utilized by each participating school district;

(3) Duration of the interdistrict cooperation agreement; and

(4) Procedures for dissolution of cooperative operation of the school facility including but not limited to the following:

(a) Ownership of all capital equipment and school facilities;

(b) Distribution of assets or the payments to be made to the participating districts; and

(c) Minimum period of operation prior to dissolution consideration and approval by the superintendent of public instruction in accordance with provisions hereinafter in WAC 392-345-040.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-345-030, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-030, filed 10/17/83.]

WAC 392-345-035 Approval of program or services by superintendent of public instruction. Approval by the superintendent of public instruction of the educational program or services to be offered in the proposed new or modernized facility and the proposed administration of such program or services shall be a prerequisite for approval by the superintendent of public instruction of an interdistrict cooperative financial plan for construction of new or modernization of facilities when state moneys are provided.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-345-035, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-035, filed 10/17/83.]

WAC 392-345-040 Dissolution provisions. (1) Procedures for the dissolution of the operation of school facilities pursuant to an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of the superintendent of public instruction approval of the financial plan for the construction of such school facilities when such facilities were constructed with state moneys: Provided, That a request for dissolution prior to such ten-year period may be approved when, in the judgment of the superintendent of public instruction, there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the superintendent of public instruction for review and approval prior to proceeding with dissolution action.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-345-040, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47-830. 83-21-068 (Order 13-83), § 180-31-040, filed 10/17/83.]

WAC 392-345-045 Interdistrict cooperation in financing school construction—Project construction approval required—Rules and regulations governing. A project to be constructed under interdistrict cooperative financing pursuant to provisions of RCW 28A.335.160 shall be subject to approval by the superintendent of public instruction only when state funds are involved in the financing thereof and shall be in conformity with the applicable rules and regulations hereinafter prescribed. The applicant school district shall be responsible for compliance with said rules and regulations.

(1) Projects financed with state assistance.

(a) All rules and regulations promulgated by the superintendent of public instruction relating to school building construction shall govern the approval of an application for state assistance in financing an interdistrict cooperative project except such rules deemed by the superintendent of public instruction to be inapplicable to the said construction: Provided, That in the interest of program improvement and/or improvement in equalization of educational opportunities, the pertinent requirements relating to eligibility on the basis of number of unhoused children may be waived as shall be determined by the superintendent of public instruction.

(b) In determining the amount of state assistance, the principle to be applied shall be that each participating district, otherwise eligible for state assistance, shall receive such assistance on the basis of the computed area ratio. The amount that each participating district shall provide may be the percentage proportion that the value of its taxable property bears to the total value of taxable property of all participating districts or such other amounts as set forth in the contract submitted as are accepted and approved by the superintendent of public instruction.

(2) Application for additional state assistance. In the financing of interdistrict cooperative projects, applications for state assistance, in addition to the amount determined allocable under basic state support level provisions, shall be judged by the superintendent of public instruction on the basis of the need for said facilities for the expressed purpose of:

(a) Providing educational opportunities, including vocational skills programs not otherwise provided;

(b) Avoiding unnecessary duplication of specialized or unusually expensive educational programs or facilities; or

(c) Improving racial balance within and among participating districts.

(3) Determination of amount of additional state assistance. When in the judgment of the superintendent of public instruction an expressed need exists for an interdistrict cooperative project to achieve one or more of the expressed purposes as set forth in subsection (2) of this section and additional state assistance in financing said joint construction is necessary to meet such need, additional state assistance may be allowed in an amount to be determined by the superintendent of public instruction: Provided, That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state matching purposes: Provided further, That the total funds available to the superintendent of public instruction for the biennial period are sufficient to meet statewide needs for state assistance in providing necessary school facilities to individual school districts as well as for this purpose.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-345-045, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-045, filed 9/23/98, effective 10/24/98.]

Chapter 392-346 WAC

STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—INTERDISTRICT TRANSPORTATION COOPERATIVES

(Formerly chapter 180-32 WAC)

WAC

392-346-005	Authority.
392-346-010	Purpose.
392-346-012	Waiver of rules to facilitate alternative public works contracting procedures.
392-346-015	Interdistrict transportation cooperative members—Definition.
392-346-020	Interdistrict transportation cooperative—Cooperative plan subject to the superintendent of public instruction approval.
392-346-025	Application provisions.
392-346-030	Interdistrict agreements.
392-346-035	Approval—The superintendent of public instruction.
392-346-040	Dissolution provisions.
392-346-045	Interdistrict transportation cooperative—Types.
392-346-050	Site review and evaluation.
392-346-060	Design team—Architect/engineering services.
392-346-065	Support level—Furniture and equipment allowances.
392-346-070	Interdistrict transportation cooperatives—State assistance.

WAC 392-346-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 which authorizes the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-005, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-

17-009, § 180-32-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-005, filed 10/17/83.]

WAC 392-346-010 Purpose. The purpose of this chapter is to set forth provisions applicable prior to a district's application for state assistance in the construction of interdistrict transportation cooperative facilities. Except as otherwise noted in this chapter, the rules and regulations which apply to state assistance in financing school facilities set forth below shall apply to the construction of interdistrict transportation cooperatives:

(1) Basic state support: WAC 392-343-040, 392-343-060, and 392-343-070 through 392-343-125.

(2) Procedural regulations: WAC 392-344-055 through 392-344-170.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-010, filed 10/17/83.]

WAC 392-346-012 Waiver of rules to facilitate alternative public works contracting procedures. The provisions of this chapter may be deemed waived in accordance with WAC 392-341-012.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-012, filed 7/25/06, effective 8/25/06; 01-08-040, § 180-32-012, filed 3/30/01, effective 4/30/01.]

WAC 392-346-015 Interdistrict transportation cooperative members—Definition. As used in this chapter:

(1) "Participating member" means a district in a cooperative which anticipates making full use of all the services offered by the cooperative and provides its agreed share of matching funds required by the superintendent of public instruction. A participating member must be a member of the cooperative for at least ten years.

(2) "Contract member" means a district which contracts to use the services of the cooperative as outlined in the initial agreement for at least three years. At a minimum, contracts for service shall include lubrication, oil and filter changes on a regular basis.

(3) "Applicant district" means the school district in which the proposed interdistrict transportation cooperative facility is to be located or in which the facility proposed for modernization is located. It shall be the responsibility of said applicant district to submit the application for financial plan approval.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-015, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-015, filed 10/17/83.]

WAC 392-346-020 Interdistrict transportation cooperative—Cooperative plan subject to the superintendent of public instruction approval. Any financial plan for construction of an interdistrict transportation cooperative utilizing state moneys in the financing of the proposed project, shall require approval by the superintendent of public instruction prior to implementing the provisions of such plan. The superintendent of public instruction approval is only required for projects utilizing state moneys.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-020, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-

020, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.-830. 83-21-070 (Order 15-83), § 180-32-020, filed 10/17/83.]

WAC 392-346-025 Application provisions. For projects utilizing state moneys, the host school district shall submit a written application to the superintendent of public instruction which shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the facility is to be located or, in the event of modernization, in which jurisdiction the facility is located (host district);

(b) Designate such board of directors as the legal applicant; and

(c) A copy of the official record of the board of directors of each participating school district indicating that the resolution has been formally adopted.

(2) Copy of contract(s) between districts prepared in accordance with chapter 392-345 WAC.

(3) A written description of services to be offered in the proposed interdistrict transportation cooperative, including number of districts involved and whether or not cooperating members are participating districts or contract districts; the number of buses from each participating and contract district to be serviced, and number of bus miles traveled per year for each participating and contract district.

(4) A description of the proposed project including square footage and the estimated cost of construction including professional services, sales tax, site costs, and site development.

(5) An area map indicating location of the facility in relationship to the participating and contract school districts.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-025, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-025, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.-830. 83-21-070 (Order 15-83), § 180-32-025, filed 10/17/83.]

WAC 392-346-030 Interdistrict agreements. Interdistrict agreements between participating and contract districts shall contain and set forth descriptions of the following elements:

(1) Financial terms by each cooperating district shall participate in the cost of construction or modernization and operation of the facility.

(2) The district administering the facility and the program or services to be offered therein and specific services to be utilized by each participating school district.

(3) Duration of the interdistrict cooperation agreement.

(4) Procedures for dissolution of cooperative operation of the facility including but not limited to the following:

(a) Ownership of all capital equipment and facilities;

(b) Distribution of assets or the payments to be made to the participating districts; and

(c) Minimum period of operation prior to dissolution consideration and approval by the superintendent of public instruction in accordance with chapter 392-345 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-030, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-030, filed 10/17/83.]

WAC 392-346-035 Approval—The superintendent of public instruction. Approval by the superintendent of public instruction of services to be offered in the proposed interdistrict transportation cooperative and the proposed district administration of such program or services shall be a prerequisite for approval by the superintendent of public instruction of an interdistrict cooperative financial plan for construction of new facilities or modernization of existing facilities when state moneys are provided.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-035, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-035, filed 10/17/83.]

WAC 392-346-040 Dissolution provisions. (1) Procedures for the dissolution of the operation of interdistrict cooperatives under an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of the superintendent of public instruction approval of the financial plan for the construction of such school facilities when such facilities were constructed with state moneys: Provided, That a request for dissolution prior to the expiration of ten years may be approved when in the judgment of the superintendent of public instruction there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the superintendent of public instruction for review and written approval prior to proceeding with dissolution action.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-040, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-040, filed 10/17/83.]

WAC 392-346-045 Interdistrict transportation cooperative—Types. Except as otherwise noted, the amount of the final allocation of state funds in the construction of an approved interdistrict transportation cooperative facility shall be based on the number of buses in actual service and the number of buses for which the cooperative has contracted from other districts at the time of application and in accordance with the following cooperative types and square foot-age allowances:

Type	Number of Buses	Square Footage	
		Minimum	Maximum
One	96 or more	21,000	Negotiable
Two	46-95	15,000	20,999
Three	0-45	10,000	14,999

[Statutory Authority: RCW 28A.525.020. 06-16-031, recodified as § 392-346-045, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-045, filed 10/17/83.]

WAC 392-346-050 Site review and evaluation. The superintendent of public instruction together with the propos-

ing district(s) shall conduct an on-site review and evaluation of sites for new and existing state assisted projects. In selecting sites, the district(s) should assure that:

(1) The property upon which the facility is or will be located is free and clear of all encumbrances that would detrimentally interfere with the construction and operation or useful life of the facility.

(2) The site is of sufficient size to meet the needs of the facility.

(3) A geotechnical engineer has conducted a limited sub-surface investigation to gather basic information regarding potential foundation and subgrade performance.

(4) The site accessibility is convenient and efficient for participating and contract school districts with the least amount of disturbance to the area in which it is located.

(5) The site topography is conducive to desired site development.

(6) A site review or predesign conference has been conducted with all local code agencies in order to determine design constraints.

[Statutory Authority: RCW 28A.525.020. 06-16-031, recodified as § 392-346-050, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-050, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-050, filed 10/17/83.]

WAC 392-346-060 Design team—Architect/engineering services. Architect/engineering service fees for matching purposes shall be determined pursuant to WAC 392-343-070.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-060, filed 10/17/83.]

WAC 392-346-065 Support level—Furniture and equipment allowances. An allowance for furniture and equipment purchases shall be added to the total construction costs of a project determined eligible for state matching assistance. The equipment allowance shall be determined by multiplying the approved square foot area of the project by the area cost allowance of state support for the fiscal year funded and that product multiplied by seven percent.

[Statutory Authority: RCW 28A.525.020. 06-16-031, recodified as § 392-346-065, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-32-065, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-065, filed 10/17/83.]

WAC 392-346-070 Interdistrict transportation cooperatives—State assistance. In the financing of an approved interdistrict transportation cooperative, the superintendent of public instruction shall provide ninety percent of the total approved project cost determined eligible for state matching purposes.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-070, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-070, filed 10/17/83.]

Chapter 392-347 WAC
STATE ASSISTANCE IN PROVIDING SCHOOL
PLANT FACILITIES—MODERNIZATION
 (Formerly chapter 180-33 WAC)

WAC

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WAC 392-347-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 which authorizes the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state assistance for school facilities are RCW 28A.525.030, 28A.525.040, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-005, filed 7/25/06, effective 8/25/06; 98-19-138, § 180-33-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-33-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-005, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-005, filed 12/1/81.]

WAC 392-347-007 Purpose. The purpose of this chapter is to set forth provisions applicable to basic state support and assistance in the modernization of existing school facilities.

[Statutory Authority: RCW 28A.525.020. 06-16-031, recodified as § 392-347-007, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-007, filed 10/17/83.]

WAC 392-347-010 Definitions. As used in this chapter: "Modernization" shall mean the making of major structural changes in such facilities and may include as incidental thereto the replacement of fixtures, fittings, furnishings, and service systems of a school facility in order to bring it up to a contemporary state consistent with the needs of changing educational programs and applicable codes.

"Major structural change" shall mean major components of a school facility contributing to the basic structure and shall not include those components such as portable partitions, free-standing panels and screens, portable equipment, and furnishings that do not contribute to the basic structure.

[Statutory Authority: RCW 28A.525.020. 06-16-031, recodified as § 392-347-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-010, filed 10/17/83. Statu-

tory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-010, filed 12/1/81.]

WAC 392-347-012 Waiver of rules to facilitate alternative public works contracting procedures. The provisions of this chapter may be deemed waived in accordance with WAC 392-341-012.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-012, filed 7/25/06, effective 8/25/06; 01-08-040, § 180-33-012, filed 3/30/01, effective 4/30/01.]

WAC 392-347-013 Annually determined building replacement value. The annually determined building replacement value for any building in any year is the state determined maximum area cost allowance for July of that year times the gross square footage determined under WAC 392-343-040.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-013, filed 7/25/06, effective 8/25/06. Statutory Authority: [RCW 28A.525.020.] 91-12-058, § 180-33-013, filed 6/5/91, effective 7/6/91.]

WAC 392-347-015 Eligibility for state financial assistance. (1) In order to be eligible for state financial assistance, a modernization project shall have as its principal purpose one or more of the following:

(a) Bringing a facility into compliance with current building and health codes when so required by state or local health or safety officials;

(b) Changing the grade span grouping by facility by the addition, deletion, or combination thereof of two or more grades within the affected facility;

(c) The reduction of the number of operating school facilities in a district by combining the remaining school facilities through modernization and new capital construction so as to achieve more cost effective and efficient operation in the combined school facility or facilities. In order to be eligible for state financial assistance, such a project shall result in additional space for at least 100 additional pupils and the following enrollment in any combined facility:

(i) Elementary school facility—500 pupils;

(ii) Middle or junior high school facility—700 pupils;

(iii) Senior high school facility—850 pupils;

Provided, That modernization projects in school districts with a high school enrollment of less than 850 pupils need not comply with the enrollment figures set forth above: Provided further, That unless the district demonstrates the existence of unhoused students, state financial assistance for the new construction component of a combined modernization and new construction project shall be limited to the provision of WAC 392-347-040; or

(d) Meeting the educational program of the facility.

(2) School districts shall certify that a proposed modernization project will extend the life of the modernized school facility by at least twenty years.

(3) School districts shall be ineligible for state assistance for modernization of any school facility accepted by the school district board of directors prior to January 1, 1993, where the principal purpose of that modernization project is to:

(a) Restore building systems and subsystems that have deteriorated due to deferred maintenance;

(b) Perform piecemeal work on one section or system of a school facility;

(c) Modernize a facility or any section thereof which has been constructed within the previous twenty years;

(d) Modernize a facility or any section thereof which has received state assistance under the authority of this chapter within the previous twenty years;

(e) To modernize a senior high school facility in a district with a senior high school where there is existing space available to serve the students involved or affected in a neighboring senior high school without, in the judgment of the superintendent of public instruction, an undue increase in the cost of transporting the students to and from school, decrease in educational opportunity, or proportional increase in the cost of instruction pursuant to chapter 392-341 WAC.

(4) School facilities accepted by the school district board of directors after January 1, 1993, shall be ineligible for state assistance for modernization of the facility or any section thereof where:

(a) The facility was constructed and occupied within the previous thirty years;

(b) The facility received state assistance under the authority of this chapter within the previous thirty years.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-015, filed 7/25/06, effective 8/25/06; 05-23-046, § 180-33-015, filed 11/9/05, effective 12/10/05; 91-12-058, § 180-33-015, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830. 85-24-049 (Order 26-85), § 180-33-015, filed 11/27/85; 85-09-060 (Order 8-85), § 180-33-015, filed 4/17/85; 83-21-071 (Order 16-83), § 180-33-015, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-015, filed 12/1/81.]

WAC 392-347-020 Formula for determining the amount of state assistance. State assistance in an approved modernization project shall be derived by applying the percentage of state assistance determined pursuant to provisions of RCW 28A.525.166 and WAC 392-343-025 to the eligible cost which shall be calculated by multiplying the approved square foot area of the modernization project by the area cost allowance for the fiscal year funded, less any deductions as set forth in WAC 392-347-023 if applicable, by the factor in WAC 392-347-040 set forth, any cost in excess thereof shall be financed entirely by the school district.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-020, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-33-020, filed 9/14/01, effective 10/15/01. Statutory Authority: [RCW 28A.525.020.] 91-12-058, § 180-33-020, filed 6/5/91, effective 7/6/91. Statutory Authority: 1990 c 33. 90-17-009, § 180-33-020, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-020, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-020, filed 12/1/81.]

WAC 392-347-023 State assistance in post 1992 facilities. State assistance for modernization of school facilities accepted by the school district board of directors after January 1, 1993, shall be limited according to the following conditions:

(1) A school facility shall be ineligible for state assistance if the total expenditures for maintenance of plant and equipment for that facility during the fifteen-year period

immediately preceding the project application was below one-half of one percent of the total of the annually determined building replacement values during the same period;

(2) The allowable cost per square foot used to determine the amount of state assistance in any modernization project where the total expenditures for maintenance of plant and equipment for that facility during the fifteen-year period immediately preceding the project application was at least one-half but less than two percent of the total of the annually determined building replacement values during the same period shall be reduced as follows:

(a) The allowable cost per square foot shall be reduced by twenty-two and one-half percent where the above expenditure is at least one-half but less than one percent;

(b) The allowable cost per square foot shall be reduced by fifteen percent where the above expenditure is at least one but less than one and one-half percent;

(c) The allowable cost per square foot shall be reduced by seven and one-half percent where the above expenditure is at least one and one-half but less than two percent;

(3) No reduction in the allowable cost per square foot shall be applied to any modernization project where the total expenditures for maintenance of plant and equipment for that facility during the fifteen-year period immediately preceding the project application was two percent, or greater, of the total of the annually determined building replacement values during the same period;

(4) A district shall not be allowed to replace a school facility through new construction in lieu of modernization under WAC 392-347-042 where the total expenditures for maintenance of plant and equipment for that facility during the fifteen-year period immediately preceding the project application was below two percent of the total of the annually determined building replacement values during the same period.

(5) For the purpose of this section "maintenance of plant and equipment" shall be general fund expenditures charged to maintenance and operations activities 61-supervision and 64-maintenance and capital projects fund expenditures charged to type code 22-remodeling and 42-capital improvements as defined in the *Accounting Manual for Public School Districts*.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-023, filed 7/25/06, effective 8/25/06; 01-09-012, § 180-33-023, filed 4/6/01, effective 5/7/01; 91-12-058, § 180-33-023, filed 6/5/91, effective 7/6/91.]

WAC 392-347-025 Space eligible for state financial assistance in modernization. Space allowance and enrollment projection provision for state matching purposes.

(1) In planning for modernization in any school facility, under the provisions of WAC 392-347-015 (1)(a) and (b), a school district shall estimate capacity needs on the basis of a cohort survival enrollment as per WAC 392-343-045. Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state financial assistance in modernization.

(2) The changes to this section shall take effect January 1, 2006: Provided, That those districts having authorized bond issues and/or excess tax levies for their building funds

for specific school construction projects as identified in ballot propositions on or before July 1, 2006, may, when requesting the superintendent of public instruction consideration of state assistance for such projects, determine, in computing the amount of eligible space for modernization, the state will match the entire facility of three quarters of the overall square footage of the school districts' facilities is eligible for state financial assistance: Provided further, That the provision shall not be applicable to new construction in lieu of modernization facility projects authorized by this chapter.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-025, filed 7/25/06, effective 8/25/06; 05-19-109, § 180-33-025, filed 9/20/05, effective 10/21/05; 98-09-052, § 180-33-025, filed 4/16/98, effective 5/17/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 28 (8)(e). 94-13-020, § 180-33-025, filed 6/3/94, effective 7/4/94. Statutory Authority: RCW 28A.47.830. 85-24-049 (Order 26-85), § 180-33-025, filed 11/27/85; 83-21-071 (Order 16-83), § 180-33-025, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-025, filed 12/1/81.]

WAC 392-347-030 Certification of continued use.

Any school facilities modernized under WAC 392-347-015 must be used for at least five years beyond the completion of modernization. School directors will pass a resolution and submit it to the superintendent of public instruction that the modernized facility will be used for instructional purposes for five years after the completion of the project. If the school facility is not used for instructional purposes during this five-year period, the amount of state money allocated and spent for the modernization project must be returned to the state school building construction fund. The five-year use requirement and the five year prohibition against additional modernization funding shall be waived in the event that a facility is rendered permanently unusable before the end of the five-year period by an unforeseen natural event. The definition of "unforeseen natural event" shall be as set forth in RCW 28A.150.290.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-030, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-33-030, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 85-24-049 (Order 26-85), § 180-33-030, filed 11/27/85; 83-21-071 (Order 16-83), § 180-33-030, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-030, filed 12/1/81.]

WAC 392-347-035 Minimum project—Forty percent of replacement costs. (1) State assistance in modernization of school facilities shall be limited to projects which may include an entire facility or one or more complete buildings within a facility for which the estimated cost of major structural change is not less than forty percent of the estimated cost of replacement. The estimated cost of major structural change shall not include the estimated capital costs associated with restoring building systems or subsystems due to deterioration as determined in the study and survey to be caused by deferred maintenance. The estimated cost of replacement shall be derived from multiplication of the total square foot area of the facility or facilities proposed for modernization by the area cost allowance for the fiscal year funded as in WAC 392-343-045 set forth.

(2) The superintendent of public instruction may grant a waiver from subsection (1) of this section in the event of an unanticipated increase in the area cost allowance that might

cause prior approved projects expecting state assistance to become disqualified for such assistance.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-035, filed 7/25/06, effective 8/25/06; 05-19-110, § 180-33-035, filed 9/20/05, effective 10/21/05. Statutory Authority: RCW 28A.47-830 and 28A.525.020. 01-19-042, § 180-33-035, filed 9/14/01, effective 10/15/01. Statutory Authority: [RCW 28A.525.020.] 91-12-058, § 180-33-035, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830. 85-24-049 (Order 26-85), § 180-33-035, filed 11/27/85; 83-21-071 (Order 16-83), § 180-33-035, filed 10/17/83. Statutory Authority: RCW 28A.47-073. 81-24-049 (Order 13-81), § 180-33-035, filed 12/1/81.]

WAC 392-347-040 Maximum costs eligible for state matching purposes—One hundred percent of replacement cost. State assistance for modernization projects shall not exceed one hundred percent of the cost of new construction of a comparable school facility based on the prevailing level of state support as defined in chapter 392-343 WAC. Costs exceeding one hundred percent shall be paid by the local district.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-040, filed 7/25/06, effective 8/25/06; 05-19-111, § 180-33-040, filed 9/20/05, effective 10/21/05; 98-19-138, § 180-33-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-040, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-040, filed 12/1/81.]

WAC 392-347-042 Replacement option. A district with space eligible for modernization pursuant to WAC 392-347-015 and 392-347-025 may elect to replace such space through new construction in lieu of modernization. In such case, the district shall apply for a new school facility in accordance with applicable rules and regulations pertaining to new school plant facilities and the local board shall certify that after the new construction is finally completed:

- (1) The existing building or space to be replaced will not be used for district instructional purposes; and
- (2) The existing building or space will be ineligible for any future state financial assistance.

Further, if the existing building or space is subsequently returned by the district to instructional purposes in whole or in part, the district shall become ineligible for any state construction financial assistance for a period of ten years from the date that the superintendent of public instruction sends written notice to members of the local board recognizing the return of the building in whole or in part to instructional purposes. Districts exercising this election shall be limited in state assistance to the provision of WAC 392-347-040. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 392-347-015 (1)(c): Provided, That no new construction in lieu of modernization project may qualify for additional state assistance pursuant to WAC 392-343-115 unless the facility being replaced would have qualified pursuant to such section for additional state assistance as a modernization project.

(3) The superintendent of public instruction may waive the provisions of this section for a period it determines is appropriate to the particular situation. A waiver request must be submitted in writing to the superintendent of public instruction. The superintendent of public instruction shall

review the waiver request and approve or deny the request. The waiver request shall include, but not be limited to, the following information:

- (a) Description of the district's planning process;
- (b) Rationale why the need for the waiver request was not anticipated;
- (c) The requested length of time of the waiver;
- (d) The availability of funding for proposed projects;
- (e) List of specific projects and timelines;
- (f) List of the specific student groups that will use the facility;
- (g) Rationale why this is the best use of facilities and public funds;
- (h) Assurance that the facility meets health and safety standards for occupancy.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-042, filed 7/25/06, effective 8/25/06; 01-14-019, § 180-33-042, filed 6/26/01, effective 7/27/01; 98-19-138, § 180-33-042, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1993 sp.s. c 22 § 708(5). 93-20-066, § 180-33-042, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 28A.47.830. 85-09-060 (Order 8-85), § 180-33-042, filed 4/17/85.]

WAC 392-347-045 Architect and engineering services. In the allocation of state funds for an approved modernization project, architectural and engineering services eligible for state matching purposes shall not exceed one and one-half times the architectural and engineering services as in chapter 392-343 WAC set forth.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-045, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-045, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-045, filed 12/1/81.]

WAC 392-347-050 Study and survey of school district as prerequisite. A survey of facilities proposed for modernization conducted under the direction of the superintendent of public instruction as per chapter 392-341 WAC shall be a prerequisite for consideration of an application for state participation in financing of a modernization project.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-050, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-050, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-050, filed 12/1/81.]

WAC 392-347-055 Regulations governing. In addition to the regulations hereinbefore in chapter 392-347 WAC prescribed; all regulations governing the basic assistance program prescribed in chapters 392-341, 392-342, 392-343, and 392-344 WAC shall govern administration of state participation in financing modernization of school facilities: Provided, That compliance with those regulations not pertinent to modernization projects as determined by the superintendent of public instruction shall not be required.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-055, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-055, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-055, filed 12/1/81.]

(2007 Ed.)

WAC 392-347-060 Procedural requirements. The superintendent of public instruction shall determine procedures and forms for the administration of state participation in financing modernization of school facilities, such procedures and forms to be in addition to or in lieu of procedural requirements prescribed in chapter 392-344 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-347-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-060, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-060, filed 12/1/81.]

Chapter 392-348 WAC SECONDARY EDUCATION (Formerly chapter 180-56 WAC)

WAC

NEW SECONDARY PROGRAM OR NEW GRADES NINE THROUGH TWELVE

392-348-205	New secondary program or new grades nine through twelve—Regulatory provisions pursuant to RCW 28A.305.130(5).
392-348-210	Basic policy.
392-348-215	Procedure.
392-348-220	Regulations—Purpose.
392-348-230	Program.
392-348-235	Enrollment.
392-348-240	Staff and corps.
392-348-245	Specialized services.
392-348-250	Fiscal responsibility.
392-348-255	Interdistrict relationships.
392-348-260	New secondary program or new grades nine through twelve—School district organization.
392-348-265	Establishment of new grade or grades.
392-348-270	Exceptional cases.

NEW SECONDARY PROGRAM OR NEW GRADES NINE THROUGH TWELVE

WAC 392-348-205 New secondary program or new grades nine through twelve—Regulatory provisions pursuant to RCW 28A.305.130(5). Pursuant to provisions of RCW 28A.305.130(5), the superintendent of public instruction hereby establishes rules and regulations as hereinafter set forth in WAC 392-348-210 through 392-348-270 to govern the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-205, filed 8/8/06, effective 9/8/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-56-205, filed 8/6/90, effective 9/6/90; Order 6-76, § 180-56-205, filed 6/1/76. SBE 56-8-50, filed 3/29/65, effective 4/29/65.]

WAC 392-348-210 Basic policy. Believing that the welfare of the state and its children require secondary schools which (1) can provide a comprehensive program broad enough to meet the varied needs, abilities and interests of students, (2) are adequately staffed with certified teachers assigned to teach in their fields of competency, (3) are administered by properly certified personnel, (4) can provide adequate pupil-personnel service, (5) can provide school plant facilities suitable to the type of organization and program offered, (6) can give assurance of financial ability and willingness to construct, maintain and operate the facility, and (7)

do not duplicate existent educational facilities and/or programs, it shall be the policy of the superintendent of public instruction to approve applications for the establishment in any high school district of any secondary program or any new grades in grades nine through twelve only when there is evidence that the foregoing conditions can be fulfilled.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-210, filed 8/8/06, effective 9/8/06. SBE 56-8-51, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-215 Procedure. A secondary program or any new grades nine through twelve may not be established in any existing nonhigh school district except upon prior approval by the superintendent of public instruction. Application for approval to establish any such program or any new grades shall be made to the state superintendent of public instruction by the school authorities of the applicant district. The state superintendent of public instruction shall review the application in light of rules and regulations relating thereto and in consideration of the findings and recommendations of staff and agents of the superintendent of public instruction.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-215, filed 8/8/06, effective 9/8/06. SBE 56-8-52, filed 3/29/65, effective 4/29/65.]

WAC 392-348-220 Regulations—Purpose. In order to assure an educational program and school facilities which will meet the requirements of the basic policy stated in WAC 392-348-210, the specific regulations hereinafter in WAC 392-348-230 through 392-348-270 set forth shall be applied in considering applications from nonhigh school districts.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-220, filed 8/8/06, effective 9/8/06. SBE 56-8-53, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-230 Program. It is presumed by the superintendent of public instruction that a new secondary program (or new grades nine through twelve) must make provision for a comprehensive program. Minimum course offerings that must be available for student selection during grades nine through twelve shall include those necessary to meet the minimum high school graduation requirements under WAC 180-51-060.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-230, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.04.120(5). 00-13-038, § 180-56-230, filed 6/14/00, effective 7/15/00; 82-04-003 (Order 2-82), § 180-56-230, filed 1/21/82. SBE 56-8-530, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-235 Enrollment. The initial enrollment for a four-year secondary school, grades nine through twelve, shall be at least four hundred; or if less than four hundred initially, substantial evidence shall be submitted that this enrollment will be reached within three years and that there is assurance of a relatively stable population.

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The initial enrollment for a six-year secondary school, grades seven through twelve, shall be at least five hundred; or if less than five hundred initially, substantial evidence shall be submitted that this enrollment will be reached within three years and that there is assurance of a relatively stable population.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-348-235, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28A.04.120. 79-06-048 (Order 4-79), § 180-56-235, filed 5/22/79. SBE 56-8-531, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-240 Staff and corps. There shall be not fewer than sixteen qualified teachers, or equivalent, not including principal, vice principal, counselor and librarian, in a four-year high school, nor fewer than twenty qualified teachers, or equivalent, in a six-year secondary school, not including principal, vice principal, counselor and librarian.

Teachers shall be assigned to grade levels or teaching areas in accordance with the regulations of the state board of education.

All administrative personnel, superintendent of the district and principal of the proposed school, shall be qualified in accordance with the regulations of the state board of education.

A full-time high school principal shall be employed to serve the functions of administration and instructional supervision.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-348-240, filed 8/8/06, effective 9/8/06; § 180-56-240, filed 10/16/67, effective 7/1/68. SBE 56-8-532, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-245 Specialized services. Full-time library and instructional materials services shall be provided by a librarian qualified in accordance with standards adopted by the superintendent of public instruction.

A minimum of one full-time person, or equivalent, shall be provided for counseling and guidance services. Personnel assigned to part-time or full-time counseling and guidance responsibilities shall have a minimum of one year of training beyond the bachelor's degree including course work in each of the following areas: Principles and practices of guidance; techniques of counseling; occupational and educational information; testing, measurement and evaluation; and foundations of psychology, preferably including developmental psychology and learning theory.

Provision shall be made for exceptional children including those with high ability or special talent, those who are slow learners and those who are physically handicapped.

Adequate health services shall be provided by the district or by the district in cooperation with other districts and/or agencies.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-245, filed 8/8/06, effective 9/8/06. SBE 56-8-533, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-250 Fiscal responsibility. The board of directors of the nonhigh school district shall submit evidence of the district's financial willingness and ability, within the existing patterns of school support, to make its proportionate contribution to the establishment and maintenance of a broad, comprehensive educational program.

The building to be used or to be built for use as a secondary school shall be approved by the office of the superintendent of public instruction as suitable for the type of organization and instructional program proposed.

The board of directors of the nonhigh school district shall submit evidence of the district's financial willingness and ability within existing patterns of school support to construct, maintain and operate the required building facilities.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, recodified as § 392-348-250, filed 8/8/06, effective 9/8/06. SBE 56-8-534, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-255 Interdistrict relationships. Prior to application to the superintendent of public instruction for the establishment of a new secondary school, the district or districts presently serving students living in the nonhigh school district shall have been given adequate notice of the intent of the nonhigh school district subsequently to withdraw students.

The board of directors of the nonhigh school district seeking approval of the establishment of a new secondary school shall submit evidence that students living in the nonhigh school district cannot be economically and reasonably served in an existing high school or high schools.

There must be adequate proof that the proposed secondary facilities will not duplicate facilities already constructed with state and/or recommended federal assistance when such assistance was predicated on educational service to the nonhigh school district or districts: Provided, That the nonhigh school district may petition the superintendent of public instruction for a feasibility study of the establishment of a high school when the existing high school district facilities reach designated maximum utilization and new construction is needed.

Evidence shall be submitted that unreasonable duplication of transportation routes and/or facilities will not result from the establishment of the new secondary school.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-255, filed 8/8/06, effective 9/8/06. SBE 56-8-535, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-260 New secondary program or new grades nine through twelve—School district organization. The proposal for establishment of a new secondary school must be consistent with sound, comprehensive planning for secondary school facilities and services and shall be in agreement with provisions of chapter 28A.315 RCW and any subsequent statutory provisions or policies established by the superintendent of public instruction pertaining thereto.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-260, filed 8/8/06, effective 9/8/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-56-260, filed 8/6/90, effective 9/6/90;

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Order 6-76, § 180-56-260, filed 6/1/76. SBE 56-8-536, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-265 Establishment of new grade or grades. In the establishment of one or more new grades in grades nine through twelve, the principle set forth in WAC 392-348-205 through 392-348-260 above concerning program, specialized services, staff and corps and size of respective grade or grades as related to potential total enrollment of the proposed secondary school shall apply: Provided, That the school district shall have satisfied all other requirements as herein prescribed. The establishment of each such grade shall be subject to prior approval by the superintendent of public instruction.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-265, filed 8/8/06, effective 9/8/06. SBE 56-8-537, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

WAC 392-348-270 Exceptional cases. In exceptional cases, the superintendent of public instruction will consider for special approval applications from schools with an initial enrollment of less than four hundred students and fewer than sixteen teachers and related personnel if in its judgment the establishment of a new high school may be desirable because of the remoteness of the area and the necessity for a program of secondary education.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-348-270, filed 8/8/06, effective 9/8/06; § 180-56-270, filed 10/16/67, effective 7/1/68. SBE 56-8-538, filed 3/29/65, effective 4/29/65; Emergency and Permanent Rule, filed 6/21/63.]

Chapter 392-349 WAC SMALL SCHOOL PLANTS

WAC

392-349-005	Remote and necessary small school plants—Purpose and authority.
392-349-010	Remote and necessary small school plants—Criteria.
392-349-015	Remote and necessary small school plants—Review committee.

WAC 392-349-005 Remote and necessary small school plants—Purpose and authority. (1) The purpose of WAC 392-349-005 through 392-349-015 is to establish policies and procedures to govern the classification of small school plants as remote and necessary.

(2) The authority for WAC 392-349-005 through 392-349-015 is the state Operating Appropriations Act which allocates funds to school districts for small school plants which have been judged by the superintendent of public instruction to be remote and necessary.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-349-005, filed 8/8/06, effective 9/8/06. 05-13-061, recodified as § 180-16-241, filed 6/10/05, effective 6/10/05. Statutory Authority: 1994 sp.s. c 6 § 502 (i)(e). 02-14-113, § 180-24-400, filed 7/2/02, effective 8/2/02; 95-20-055, § 180-24-400, filed 10/2/95, effective 11/2/95.]

WAC 392-349-010 Remote and necessary small school plants—Criteria. (1) Decisions of the superintendent of public instruction on granting remote and necessary status

to small school plants within school districts shall be based on a finding that granting remote and necessary status is necessary to assure reasonable provision of a basic education program to students, including related services, equipment, materials and supplies.

(2) In making the finding under subsection (1) of this section, the superintendent of public instruction shall consider, including but not limited to, the factors under (a) through (e) of this subsection. No single factor or combination of factors necessarily warrants granting or denying remote and necessary status. However, it shall be the policy of the superintendent of public instruction to favor those requests which, in the superintendent of public instruction's judgment, meet the provisions of this section. "Favor" does not mean that the listed factors are necessarily exclusive. Additional factors and considerations may be included in a particular request. If there is a factual situation that falls outside the scope of all or a portion of the listed factors, the superintendent of public instruction may consider the facts and reasons the additional factors or considerations support the request.

(a) The student population to be served at the small school site, must meet the small school funding formula for remote and necessary school plants as provided in the Operating Appropriations Act. The grade span served at the small school site shall include the same levels for eligible students established by the district for other elementary, middle, or high schools of the district, and meet the educational needs of the population served by that small school plant.

(b) Existence of an intact, permanent community which is defined as a geographically site-specific, nontransient group of people. This factor must be met.

(c) Transportation: Travel time to another school in the district, or school in another district, is not less than sixty minutes one way, or international boundary crossing processing time is unpredictable or lengthy or both.

(d) Transportation: Student safety from a small school site in the school district to another school in the district, or school in another district, may be at risk due to the condition of roads or waterways, seasonal weather conditions, or topography.

(e) Operational efficiency: Nonavailability of age appropriate grade level or cooperative programs in other school facilities in the district, or in the next nearest district or districts, or other educational organizations approved or recognized by the superintendent of public instruction.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-349-010, filed 8/8/06, effective 9/8/06. 05-13-061, recodified as § 180-16-242, filed 6/10/05, effective 6/10/05. Statutory Authority: 1994 c 6 § 502 (i)(e). 02-14-113, § 180-24-410, filed 7/2/02, effective 8/2/02. Statutory Authority: 1994 1st sp.s. c 6 § 502 (1)(e). 97-21-069, § 180-24-410, filed 10/15/97, effective 11/15/97. Statutory Authority: 1994 sp.s. c 6 § 502(i)(e). 95-20-055, § 180-24-410, filed 10/2/95, effective 11/2/95.]

WAC 392-349-015 Remote and necessary small school plants—Review committee. (1) There is hereby established by the superintendent of public instruction a remote and necessary review committee comprised of at least the following five members:

(a) One member of the state board of education selected by the president of the board;

(b) Two staff members from the office of the superintendent of public instruction, one who is knowledgeable about finance issues and one who is knowledgeable about curriculum issues, both selected by the state superintendent;

(c) One school director selected by the Washington State School Directors' Association;

(d) One school district administrator selected by the Washington Association of School Administrators;

(2) Vacancies on the review committee shall be filled by the person or organization responsible for appointments.

(3) At the discretion of the superintendent of public instruction, other members may be added to the review committee.

(4) It is the responsibility of the review committee to receive and review all applications from school districts requesting the superintendent of public instruction to grant remote and necessary status to a small school plant located in the district. Following the review of applications, the review committee shall recommend to the superintendent of public instruction whether such designation should be granted. Recommendations of the review committee shall be advisory only. The final determination rests solely with the superintendent of public instruction.

(5) Every small school plant with remote and necessary status beginning 1996, shall be reviewed every four years by the review committee and the superintendent of public instruction. The review committee shall submit its findings and recommendations to the superintendent of public instruction. The review committee may conduct the review on-site, with the number of members participating determined by the committee, or may conduct the review by other means as determined by the committee. The superintendent of public instruction shall provide to the fiscal committees of the legislature in January of odd-numbered years a list of remote and necessary small school plants.

(6) A small school plant shall lose its remote and necessary status if the number of students exceeds the enrollment requirements set forth in the state Operating Appropriations Act for three consecutive years. The loss of remote and necessary status shall take effect the immediate ensuing school year. If a small school site should lose its remote and necessary status, the local serving school district may continue to maintain and operate the school site. When the enrollment of such small school plant again meets the requirements of the state Operating Appropriations Act, the school district may apply to the superintendent of public instruction for redesignation as a remote and necessary plant.

(7) A small school plant shall lose its remote and necessary status if a local school district closes the small school plant. If the small school plant is reopened by the district, or a new small school plant is opened, the school district may apply to the superintendent of public instruction for remote and necessary designation for the small school plant. If such designation is granted, the remote and necessary status shall take effect as determined by the superintendent of public instruction.

[Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2)(e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). 06-17-038, amended and recodified as § 392-349-015, filed 8/8/06, effective 9/8/06. 05-13-061,

recodified as § 180-16-243, filed 6/10/05, effective 6/10/05. Statutory Authority: 1994 sp.s. c 6 § 502 (i)(e). 02-14-113, § 180-24-415, filed 7/2/02, effective 8/2/02. Statutory Authority: 1994 1st sp.s. c 6 § 502 (1)(e). 97-21-069, § 180-24-415, filed 10/15/97, effective 11/15/97. Statutory Authority: 1994 sp.s. c 6 § 502(i)(e). 95-20-055, § 180-24-415, filed 10/2/95, effective 11/2/95.]

Chapter 392-400 WAC

PUPILS

(Formerly chapter 180-40 WAC)

WAC

392-400-200	Purpose and application.
392-400-205	Definitions.
392-400-210	Student responsibilities and duties.
392-400-215	Student rights.
392-400-220	Student disciplinary boards—Establishment at option of school district—Functions.
392-400-225	School district rules defining misconduct—Distribution of rules.
392-400-227	School district rules defining students religious rights.
392-400-230	Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students.

DISCIPLINE

392-400-235	Discipline—Conditions and limitations.
392-400-240	Discipline—Grievance procedure.

SHORT-TERM SUSPENSION

392-400-245	Short-term suspension—Conditions and limitations.
392-400-250	Short-term suspension—Prior conference required—Notice to parent.
392-400-255	Short-term suspension—Grievance procedure.

LONG-TERM SUSPENSION

392-400-260	Long-term suspension—Conditions and limitations.
392-400-265	Long-term suspension—Notice of hearing—Waiver of hearing.
392-400-270	Long-term suspension—Prehearing and hearing process.

EXPULSION

392-400-275	Expulsion—Conditions and limitations.
392-400-280	Expulsion—Notice of hearing—Waiver of hearing.
392-400-285	Expulsion—Prehearing and hearing process.

EMERGENCY ACTIONS

392-400-290	Emergency removal from a class, subject, or activity.
392-400-295	Emergency expulsion—Limitations.
392-400-300	Emergency expulsion—Notice of hearing—Waiver of hearing right.
392-400-305	Emergency expulsion—Prehearing and hearing process.

APPEALS

392-400-310	Appeals—Long-term suspension and expulsion.
392-400-315	Appeals—Hearing before school board or disciplinary appeal council—Procedures.
392-400-317	Appeals—Discipline and short-term suspension grievances.
392-400-320	School board or disciplinary appeal council decisions.

WAC 392-400-200 Purpose and application. The purpose of this chapter is to implement RCW 28A.305.160 by prescribing the substantive and procedural due process rights of students served by any program or activity conducted by or in behalf of a common school district: Provided, That the enforcement of rules promulgated by the Washington interscholastic activity association and like organizations that govern the participation of students in interschool activities, and appeals in connection therewith, shall be governed by rules of the organization that have been adopted pursuant to RCW 28A.600.200 and approved by the state board of education—not by this chapter. The procedures and standards set

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forth in this chapter and those adopted by a school district in conformance with this chapter shall govern the imposition of corrective action or punishment (i.e., discipline, suspension, and expulsion) upon any student by a school district and its agents.

The provisions of this chapter are intended to establish the minimum procedural and substantive due process rights of students. School districts are free to establish additional due process requirements and limitations and shall do so as necessary to accommodate the constitutional rights of students as now or hereafter established.

For rules regarding student conduct which supplement this chapter see chapter 392-145 WAC governing the operation of school buses, particularly WAC 392-145-015(4) regarding the responsibility of bus drivers and certificated staff members who accompany students for the behavior of students, and WAC 392-145-035 regarding the duty to adopt and post rules, including rules of conduct, governing school bus passengers.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-400-200, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-40-200, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.132. 82-20-052 (Order 4-82), § 180-40-200, filed 10/1/82; Order 6-77, § 180-40-200, filed 6/2/77, effective 8/1/77.]

WAC 392-400-205 Definitions. As used in this chapter the term: (1) "Discipline" shall mean all forms of corrective action or punishment other than suspension and expulsion and shall include the exclusion of a student from a class by a teacher or administrator for a period of time not exceeding the balance of the immediate class period: Provided, That the student is in the custody of a school district employee for the balance of such period. Discipline shall also mean the exclusion of a student from any other type of activity conducted by or in behalf of a school district.

(2) "Suspension" shall mean a denial of attendance (other than for the balance of the immediate class period for "discipline" purposes) at any single subject or class, or at any full schedule of subjects or classes for a stated period of time. A suspension also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(3) "Short-term suspension" shall mean a suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.

(4) "Long-term suspension" shall mean a suspension which exceeds a "short-term suspension" as defined in subsection (3) of this section.

(5) "Expulsion" shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

(6) "School business day" shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-400-205, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160 and 1996 c 321. 96-15-098, § 180-40-205, filed 7/22/96, effective 8/22/96. Statutory Authority: 1979 1st ex.s. c 173 and c 201. 79-11-049 (Order 14-79), § 180-40-205, filed 10/16/79; Order 6-77, § 180-40-205, filed 6/2/77, effective 8/1/77.]

WAC 392-400-210 Student responsibilities and duties. The mission of the common school system is to provide learning experience which will assist all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of studies, comply with written rules of a common school district which are adopted pursuant to and in compliance with WAC 180-40-225 and RCW 28A.600-010, and submit to reasonable corrective action or punishment imposed by a school district and its agents for violation(s) of such rules. The provisions of this chapter do not lessen the foregoing responsibilities and duties of each student. This chapter is intended to assure that corrective action or punishment is imposed for just cause and in a fair and just manner.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-400-210, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-40-210, filed 8/6/90, effective 9/6/90; Order 6-77, § 180-40-210, filed 6/2/77, effective 8/1/77.]

WAC 392-400-215 Student rights. In addition to other rights established by law, each student served by or in behalf of a common school district shall possess the following substantive rights, and no school district shall limit these rights except for good and sufficient cause:

(1) No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because of national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental or sensory handicap.

(2) All students possess the constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have their schools free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising such right.

(3) All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures.

(4) All students shall have the right to be free from unlawful interference in their pursuit of an education while in the custody of a common school district.

(5) No student shall be deprived of the right to an equal educational opportunity in whole or in part by a school district without due process of law.

The foregoing enumeration of rights shall not be construed to deny or disparage other rights set forth in the constitution and the laws of the state of Washington or the rights retained by the people.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-400-215, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.132. 85-

04-009 (Order 3-85), § 180-40-215, filed 1/25/85; Order 6-77, § 180-40-215, filed 6/2/77, effective 8/1/77.]

WAC 392-400-220 Student disciplinary boards—Establishment at option of school district—Functions.

The board of directors of any school district may authorize the establishment of one or more student disciplinary boards composed of students, teachers, administrators, or parents, or any combination thereof. Disciplinary boards may be authorized to prescribe reasonable discipline and may recommend, but not prescribe, suspension or expulsion to the appropriate school authority. Such school authority shall be granted the power to set aside or modify any such prescription or recommendation. In addition, disciplinary boards may be authorized to periodically review rules of the school district defining the types of misconduct for which corrective action or punishment may be imposed and to recommend amendments thereto to the board of directors.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-400-220, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-220, filed 6/2/77, effective 8/1/77.]

WAC 392-400-225 School district rules defining misconduct—Distribution of rules.

(1) It shall be the responsibility and duty of each school district to adopt, publish, and make available to all students and parents written rules which state with reasonable clarity the types of misconduct for which discipline, suspension, and expulsion may be imposed. In addition, written procedures for administering corrective action shall be developed and reviewed periodically as follows:

(a) Each school district shall provide for the development with parent and community participation of written procedures for administering corrective action at each school as required by RCW 28A.600.020(3).

(b) In a manner consistent with the district procedures developed pursuant to (a) above, the principal and certificated employees in each school building shall confer at least annually for the purpose of developing, or reviewing, or both, building discipline standards and the uniform enforcement of those standards, as required by RCW 28A.400.110.

(2) Rules that establish types of misconduct pursuant to this section must have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process which is conducive to learning.

(3) The rules set forth in this chapter, the rules of a school district that establish types of misconduct pursuant to subsection (1) above, and the written procedures of a district for administering corrective action adopted pursuant to subsection (1)(a) above, shall be published and made available to all students and parents on an annual basis. If a school district chooses not to distribute such rules to all students and parents, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy thereof shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-400-225, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-40-225, filed 8/6/90, effective 9/6/90. Statutory Authority: 1980 c

171. 80-10-030 (Order 11-80), § 180-40-225, filed 8/4/80; Order 6-77, § 180-40-225, filed 6/2/77, effective 8/1/77.]

WAC 392-400-227 School district rules defining students religious rights. It shall be the responsibility and duty of each school district to adopt policies of the district for implementation of students' rights to freedom of religion and to have their schools free from sectarian control or influence while they are participating in any school district conducted or sponsored activity or while they are otherwise subject to school district supervision and control. Such rules shall be adopted by December 1, 1985 and shall be transmitted to the superintendent of public instruction by December 10, 1985.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-227, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.132. 85-09-049 (Order 6-85), § 180-40-227, filed 4/16/85; 85-04-009 (Order 3-85), § 180-40-227, filed 1/25/85.]

WAC 392-400-230 Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students. (1) Each certificated teacher, each school administrator, each school bus driver, and any other school employee designated by the board of directors of a school district shall possess the authority to impose discipline upon a student for misconduct which violates rules of the school district established pursuant to WAC 180-40-225 and to impose an emergency removal from a class, subject, or activity upon a student pursuant to WAC 180-40-290.

(2) The board of directors of any school district may delegate to the superintendent and/or his or her designee(s) the authority to impose suspensions and expulsions upon students for misconduct which violates rules of the school district established pursuant to WAC 180-40-225. Each certificated teacher and each administrator shall possess the authority to recommend suspensions and expulsions for such misconduct.

(3) Any board of directors which chooses not to delegate the authority to impose suspensions and/or expulsions, nevertheless, shall be subject to the requirements set forth in this chapter when it imposes a suspension or expulsion.

(4) Notwithstanding any provision of this section to the contrary, each teacher is empowered to exclude any student who creates a disruption of the educational process in violation of the building disciplinary standards while under the teacher's immediate supervision from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first: Provided, That except in emergency circumstances as provided for in WAC 180-40-290, the teacher shall have first attempted one or more alternative forms of corrective action: Provided further, That in no event without the consent of the teacher shall an excluded student be returned during the balance of the particular class or activity period from which the student was initially excluded.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-230, filed 6/22/06, effective 6/22/06. Statutory Authority: 1980 c 171. 80-10-030 (Order 11-80), § 180-40-230, filed 8/4/80; Order 6-77, § 180-40-230, filed 6/2/77, effective 8/1/77.]

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DISCIPLINE

WAC 392-400-235 Discipline—Conditions and limitations. Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to WAC 180-40-225, subject to the following limitations and conditions and the grievance procedure set forth in WAC 180-40-240:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

(a) The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and

(b) The student's attendance and/or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course.

(3) Corporal punishment which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited. This prohibition shall take effect in all school districts September 1, 1994.

Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;

(c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects; or

(d) Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures in compliance with WAC 392-171-800, et seq.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-235, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.410.010. 94-03-102 (Order 3-94), § 180-40-235, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.305.160. 93-01-077, § 180-40-235, filed 12/14/92, effective 1/14/93. Statutory Authority: RCW 28A.04.132. 90-17-004, § 180-40-235, filed 8/2/90, effective 9/2/90; 87-09-040 (Order 6-87), § 180-40-235, filed 4/14/87; Order 6-77, § 180-40-235, filed 6/2/77, effective 8/1/77.]

WAC 392-400-240 Discipline—Grievance procedure. Any student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the build-

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ing level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC 180-40-317. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The discipline action shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-240, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-240, filed 7/22/96, effective 8/22/96; Order 6-77, § 180-40-240, filed 6/2/77, effective 8/1/77.]

SHORT-TERM SUSPENSION

WAC 392-400-245 Short-term suspension—Conditions and limitations. A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 180-40-250, and the grievance procedures set forth in WAC 180-40-255:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following

consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-245, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160 and 1996 c 321, 97-01-047, § 180-40-245, filed 12/12/96, effective 1/12/97. Statutory Authority: 1990 c 33, 90-17-009, § 180-40-245, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.132, 85-12-042 (Order 14-85), § 180-40-245, filed 6/5/85. Statutory Authority: 1979 1st ex.s. c 173 and c 201, 79-11-049 (Order 14-79), § 180-40-245, filed 10/16/79; Order 13-77, § 180-40-245, filed 10/18/77; Order 6-77, § 180-40-245, filed 6/2/77, effective 8/1/77.]

WAC 392-400-250 Short-term suspension—Prior conference required—Notice to parent. (1) Prior to the short-term suspension of any student a conference shall be conducted with the student as follows:

(a) An oral or written notice of the alleged misconduct and violation(s) of school district rules shall be provided to the student,

(b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student,

(c) An oral or written explanation of the corrective action or punishment which may be imposed shall be provided to the student, and

(d) The student shall be provided the opportunity to present his/her explanation.

(2) In the event a short-term suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to an informal conference pursuant to WAC 180-40-255 and that the suspension may possibly be reduced as a result of such conference.

(3) All short-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-250, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-250, filed 6/2/77, effective 8/1/77.]

WAC 392-400-255 Short-term suspension—Grievance procedure. Any student, parent, or guardian who is aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved.

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Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC 180-40-317. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The short-term suspension shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-255, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-255, filed 7/22/96, effective 8/22/96; Order 6-77, § 180-40-255, filed 6/2/77, effective 8/1/77.]

LONG-TERM SUSPENSION

WAC 392-400-260 Long-term suspension—Conditions and limitations. A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following

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consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to long-term suspension during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written

rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-260, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160, 97-08-019, § 180-40-260, filed 3/25/97, effective 4/25/97. Statutory Authority: RCW 28A.305.160 and 1996 c 321, 97-01-047, § 180-40-260, filed 12/12/96, effective 1/12/97. Statutory Authority: 1990 c 33, 90-17-009, § 180-40-260, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.132, 85-12-042 (Order 14-85), § 180-40-260, filed 6/5/85. Statutory Authority: 1979 1st ex.s. c 173 and c 201, 79-11-049 (Order 14-79), § 180-40-260, filed 10/16/79; Order 6-77, § 180-40-260, filed 6/2/77, effective 8/1/77.]

WAC 392-400-265 Long-term suspension—Notice of hearing—Waiver of hearing. (1) Prior to the long-term suspension of a student, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to his or her parent(s) or guardian(s). The notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,

(b) Specify the alleged misconduct and the school district rule(s) alleged to have been violated,

(c) Set forth the corrective action or punishment proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s), and

(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing, and

(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school business days after the date of receipt of notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-265, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-265, filed 6/2/77, effective 8/1/77.]

WAC 392-400-270 Long-term suspension—Prehearing and hearing process. (1) If a request for a hearing is received pursuant to WAC 180-40-265 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form or corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-270, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160, 00-07-018, § 180-40-270, filed 3/3/00, effective 4/3/00; Order 6-77, § 180-40-270, filed 6/2/77, effective 8/1/77.]

EXPULSION

WAC 392-400-275 Expulsion—Conditions and limitations. A student may be expelled for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the notice require-

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ments set forth in WAC 180-40-280, and the hearing requirements set forth in WAC 180-40-285:

(1) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

(2) No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.

(5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(6) All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-275, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33, 90-17-009, § 180-40-275, filed 8/6/90, effective 9/6/90. Statutory Authority: 1979 1st ex.s. c 173 and c 201, 79-11-049 (Order 14-79), § 180-40-275, filed 10/16/79; Order 6-77, § 180-40-275, filed 6/2/77, effective 8/1/77.]

WAC 392-400-280 Expulsion—Notice of hearing—Waiver of hearing. (1) Prior to the expulsion of a student, written notice of an opportunity for a hearing shall be deliv-

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ered in person or by certified mail to the student and to his or her parent(s) or guardian(s). The notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,

(b) Specify the alleged misconduct and the school district rule(s) or policy alleged to have been violated,

(c) Set forth the corrective action or punishment proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s), and

(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing, and

(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed expulsion may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the school district.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed expulsion may be imposed.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-280, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-280, filed 6/2/77, effective 8/1/77.]

WAC 392-400-285 Expulsion—Prehearing and hearing process. (1) If a request for a hearing is received pursuant to WAC 180-40-280 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the

school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the expulsion or lesser form of corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-285, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160, 00-07-018, § 180-40-285, filed 3/3/00, effective 4/3/00; Order 6-77, § 180-40-285, filed 6/2/77, effective 8/1/77.]

EMERGENCY ACTIONS

WAC 392-400-290 Emergency removal from a class, subject, or activity. (1) Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the building principal or a designated school authority: Provided, That the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school. The removal from classes, subjects, or activities shall continue only until:

(a) The danger or threat ceases, or

(b) The principal or designated school authority acts to impose discipline, impose a short-term suspension, initiate a long-term suspension or an expulsion, or impose an emergency expulsion, pursuant to this chapter.

(2) The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action or punishment. In no case shall the student's opportunity for such meeting be delayed beyond the commencement of the next school day. Prior to or at the time any such student is returned to the class(es), subject(s), or activity(ies), the principal or school authority shall notify the teacher or adminis-

trator who removed the student therefrom of the action which has been taken or initiated.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-290, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-290, filed 6/2/77, effective 8/1/77.]

WAC 392-400-295 Emergency expulsion—Limitations. Notwithstanding any other provision of this chapter, a student may be expelled immediately by a school district superintendent or a designee of the superintendent in emergency situations: Provided, That the superintendent or designee has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion shall continue until rescinded by the superintendent or his or her designee, or until modified or reversed pursuant to the hearing provisions set forth in WAC 180-40-305 or the appeal provisions set forth in WAC 180-40-315.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-295, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-295, filed 6/2/77, effective 8/1/77.]

WAC 392-400-300 Emergency expulsion—Notice of hearing—Waiver of hearing right. (1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either (a) by hand delivering written notice to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery, or (b) by certified letter(s) deposited in the United States mail, within twenty-four hours of the expulsion: Provided, That if the emergency expulsion is based upon a failure to comply with the state immunization law (see chapter 180-38 WAC), the notice must be received by the student's parent(s) or guardian(s) prior to the emergency expulsion of the student regardless of the method of delivery. In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible. Such written and oral notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,

(b) Specify the alleged reason(s) for the emergency expulsion,

(c) Set forth the corrective action or punishment taken and proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible, and

(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the tenth school business day after receipt of the notice of opportunity for a hearing, and

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(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the emergency expulsion may be continued as deemed necessary by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within ten school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

(3) If a request for a hearing is not received within the required ten school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-300, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.132, 86-20-055 (Order 13-86), § 180-40-300, filed 9/29/86; Order 6-77, § 180-40-300, filed 6/2/77, effective 8/1/77.]

WAC 392-400-305 Emergency expulsion—Prehearing and hearing process. (1) If a request for a hearing within the required ten school business days is received pursuant to WAC 180-40-300, the school district shall immediately schedule and give notice of a hearing to commence as soon as reasonably possible and in no case later than the third school business day after receipt of the request for hearing.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical

evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency expulsion shall be continued or a lesser form of corrective action or punishment is to be imposed.

(7) An emergency expulsion may be continued following the hearing on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-305, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160, 00-07-018, § 180-40-305, filed 3/3/00, effective 4/3/00; Order 6-77, § 180-40-305, filed 6/2/77, effective 8/1/77.]

APPEALS

WAC 392-400-310 Appeals—Long-term suspension and expulsion. Appeals from decisions rendered pursuant to WAC 180-40-270, 180-40-285 and 180-40-305 which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) Any school district board of directors may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. School district disciplinary appeal councils shall be appointed by the school district board of directors for fixed terms and shall consist of not less than three persons.

(2) If the case was not heard and decided by the school district board of directors or school district disciplinary appeal council, the student and his or her parent(s) or guardian(s) shall have the right to appeal the decision to the board of directors or the disciplinary appeal council. Notice indicating that the student or his or her parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the district.

(3) If an appeal is not taken to the board of directors or disciplinary appeal council within the required three school business day period, the suspension or expulsion decided upon may be imposed as of the calendar day following expiration of the three school business day period.

(4) If a timely appeal is taken to the board of directors or disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

(a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;

(b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school;

(c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion; and

(d) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:

(i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(5) An appeal from any decision of a school board or disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of a school board or disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-310, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160, 97-08-019, § 180-40-310, filed 3/25/97, effective 4/25/97. Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-310, filed 7/22/96, effective 8/22/96; Order 13-77, § 180-40-310, filed 10/18/77; Order 6-77, § 180-40-310, filed 6/2/77, effective 8/1/77.]

WAC 392-400-315 Appeals—Hearing before school board or disciplinary appeal council—Procedures. (1) If a notice of appeal to the school board of directors or school district disciplinary appeal council is received pursuant to WAC 180-40-310(2) within the required three school business days, the board or council shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board or council deems reasonable. The board or council shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board or council and render its decision within fifteen school business days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors or school district disciplinary appeal council elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(ii) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(A) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(B) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(iii) Present his or her explanation of the alleged misconduct, and

(iv) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,

(b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and

(c) Either a tape-recorded or verbatim record of the hearing shall be made.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-315, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160, 00-07-018, § 180-40-315, filed 3/3/00, effective 4/3/00. Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-315, filed 7/22/96, effective 8/22/96. Statutory Authority: 1979 1st ex.s. c 173 and c 201, 79-11-049 (Order 14-79), § 180-40-315, filed 10/16/79; Order 6-77, § 180-40-315, filed 6/2/77, effective 8/1/77.]

WAC 392-400-317 Appeals—Discipline and short-term suspension grievances. Any school district board of directors may delegate its authority to hear and decide discipline and short-term suspension grievance appeals filed pursuant to WAC 180-40-240 and 180-40-253 to a school district disciplinary appeal council established pursuant to WAC 180-40-310(1).

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-317, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-317, filed 7/22/96, effective 8/22/96.]

(2007 Ed.)

WAC 392-400-320 School board or disciplinary appeal council decisions. Any decision by a school board of directors or school district disciplinary appeal council pursuant to this chapter to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made:

(1) Only by those board or council members who have heard or read the evidence.

(2) Only by those board or council members who have not acted as a witness in the matter.

(3) Only at a meeting at which a quorum of the board or council is present and by majority vote.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-400-320, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.160 and 1996 c 321, 96-15-098, § 180-40-320, filed 7/22/96, effective 8/22/96; Order 6-77, § 180-40-320, filed 6/2/77, effective 8/1/77.]

Chapter 392-410 WAC

COURSES OF STUDY AND EQUIVALENCIES

(Formerly chapter 180-50 WAC)

WAC

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392-410-300	Equivalency course of study—Credit for learning experiences conducted away from school or by persons not employed by the school district.
392-410-310	Equivalency course of study—Credit for correspondence courses, electronically mediated courses, and college courses.
392-410-315	Equivalency course of study—Credit for work based learning.
392-410-320	Equivalency course of study—National Guard high school career training and Washington National Guard youth challenge program—Approval procedures.
392-410-325	Washington National Guard youth challenge program—Course content—Credits.
392-410-327	Washington National Guard youth challenge program—Course content—Credits.
392-410-330	Exceptions to graduation requirements for former educational center students.
392-410-340	Equivalency credit for alternative learning experiences, nonhigh school courses, electronically mediated courses, work experience, and challenges.

WAC 392-410-100 Authority and purpose. (1) The general authority for this chapter is RCW 28A.305.130(8) which authorizes the state board of education to prepare an outline of study for the common schools and RCW 28A.305.130(9) which authorizes the state board of education to adopt rules to meet the educational needs of students. Where applicable, specific statutory authority is cited within sections of this chapter.

(2) The purposes of this chapter are to:

(a) Implement RCW 28A.305.130 (8) and (9) by prescribing state requirements for a course of study in the common schools;

(b) Implement courses of study specifically required by statutes;

[Title 392 WAC—p. 405]

(c) Establish procedural and substantive requirements for the granting of credit for equivalent courses of study which may be in conjunction with or as a substitution for courses of study in common schools.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-100, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.120. 00-19-106, § 180-50-100, filed 9/20/00, effective 10/21/00. Statutory Authority: 1990 c 33. 90-17-009, § 180-50-100, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-100, filed 10/4/84.]

WAC 392-410-110 Prospective application of amendments to this chapter. Pursuant to WAC 180-51-035, high school students shall be entitled to incorporate into their graduation requirements the provisions of this chapter as written and effective for the applicable year. Amendments to this chapter shall apply prospectively to the school year which commences subsequent to the adoption of amendments.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-110, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-110, filed 10/4/84.]

WAC 392-410-115 Mandatory areas of study in the common school. (1) Pursuant to RCW 28A.230.020 all school districts shall provide instruction in reading, penmanship, spelling, mathematics, geography, English grammar, physiology, hygiene, and history of the United States.

(2) Pursuant to RCW 28A.230.030, unless instruction in a language other than English will aid the educational advancement of the student, all students shall be taught in English.

(3) Pursuant to RCW 28A.230.130, after July 1, 1986, each school district offering a high school program shall provide a course of study which includes the preparation for uniform college and university entrance requirements as published by the council of postsecondary education.

(4) In addition to the requirements in the above subsections, each such school district shall offer all required courses for a high school diploma as provided in chapter 180-51 WAC and shall provide an opportunity for high school students to take at least one course in the following areas of study:

- (a) Art;
- (b) Career education;
- (c) Computer education;
- (d) Consumer education;
- (e) Economics;
- (f) A language other than English which may include American Indian languages;
- (g) Health education;
- (h) Home and family life;
- (i) Music;
- (j) Remedial education, including at least, remedial education in reading, language arts, and mathematics.

(5) Districts shall make available to all high school students enrolled therein the areas of study enumerated above either within the district or by alternative means which shall include equivalent education programs set forth in this chapter, interdistrict cooperative programs as permitted by RCW 28A.225.220, and/or the full-time or part-time release of

such students to attend nonresident districts pursuant to chapter 392-137 WAC.

(6) Pursuant to RCW 28A.230.020 instruction about conservation, natural resources, and the environment shall be provided at all grade levels in an interdisciplinary manner through science, the social studies, the humanities, and other appropriate areas with an emphasis on solving the problems of human adaptation to the environment.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-115, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.410.010. 94-03-104 (Order 5-94), § 180-50-115, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW 28A.305.130. 91-01-067, § 180-50-115, filed 12/14/90, effective 1/14/91. Statutory Authority: 1990 c 33. 90-17-009, § 180-50-115, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-115, filed 10/4/84.]

WAC 392-410-117 Temporary exemption from course and credit requirements. Annual exemptions to the definition of an annualized high school credit may be granted upon the request of a public or approved private school which offers evidence that delineates content, time, or competency assessments which are substantially equivalent to the definition stated in WAC 180-51-050. The waiver process shall be administered by the state board of education.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-117, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.230.090. 00-19-108, § 180-51-100, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.230.090 and 28A.230.100. 93-04-115, § 180-51-100, filed 2/3/93, effective 3/6/93. Statutory Authority: 1990 c 33. 90-17-009, § 180-51-100, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.05.060. 85-12-041 (Order 12-85), § 180-51-100, filed 6/5/85. Statutory Authority: Chapter 28A.05 RCW. 84-11-049 (Order 7-84), § 180-51-100, filed 5/17/84.]

WAC 392-410-120 Washington state history and government requirements. (1) Grades 1-6. A one-semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in grades one through six combined, but not at each grade level.

(2) Grades 7-12. A one-semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history and government shall be required in the common schools in grades seven through twelve combined, but not at each grade level. Such course shall include a study of the Washington state Constitution and is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-120, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.120. 00-19-106, § 180-50-120, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.410.010. 94-03-104 (Order 5-94), § 180-50-120, filed 1/19/94, effective 2/19/94. Statutory Authority: 1990 c 33. 90-17-009, § 180-50-120, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120 (6) and (8) and 28A.05.060. 85-12-037 (Order 13-85), § 180-50-120, filed 6/3/85. Statutory Authority: RCW 28A.04.120 (6) and (8). 85-04-007 (Order 1-85), § 180-50-120, filed 1/25/85; 84-21-004 (Order 12-84), § 180-50-120, filed 10/4/84.]

WAC 392-410-135 Physical education—Grade school and high school requirement. (1) Grades 1-8. Pursuant to RCW 28A.230.040, an average of at least one hundred instructional minutes per week per year in physical education

shall be required of all pupils in the common schools in the grade school program (grades 1-8) unless waived pursuant to RCW 28A.230.040.

(2) Grades 9-12. Pursuant to RCW 28A.230.050, a one credit course or its equivalent shall be offered in physical education for each grade in the high school program (grades 9-12).

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-410-135, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.120. 00-23-031, § 180-50-135, filed 11/8/00, effective 12/9/00. Statutory Authority: 1990 c 33, 90-17-009, § 180-50-135, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120 (6) and (8) and 28A.05.060. 85-20-026 (Order 19-85), § 180-50-135, filed 9/24/85. Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-135, filed 10/4/84.]

WAC 392-410-136 Physical education requirement—Excuse. The fitness requirement shall be met by course work in fitness education. The content of courses shall be determined locally pursuant to WAC 180-51-025. Students may be excused from physical education pursuant to RCW 28A.230.050. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-410-136, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.230.090. 00-19-108, § 180-51-085, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.230.100. 92-08-078, § 180-51-085, filed 3/31/92, effective 5/1/92; 91-11-018, § 180-51-085, filed 5/6/91, effective 6/6/91. Statutory Authority: 1990 c 33, 90-17-009, § 180-51-085, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.05.060. 85-12-041 (Order 12-85), § 180-51-085, filed 6/5/85. Statutory Authority: Chapter 28A.05 RCW. 84-11-049 (Order 7-84), § 180-51-085, filed 5/17/84.]

WAC 392-410-140 Sex education—Definition—Optional course or subject matter—Excusal of students.

(1) Local option. The decision as to whether or not a program about sex education or human sexuality is to be introduced into the common schools is a matter for determination at the district level by the local school board, the duly elected representatives of the people of the community.

(2) Definition(s).

(a) Sex education for the purpose of this regulation is defined as the study of the anatomy and the physiology of human reproduction.

(b) Human sexuality for the purpose of this regulation is defined as the characteristics or qualities that distinguish between maleness and femaleness. It includes the physiological, psychological, and sociological processes experienced by an individual.

(3) Development of instruction in sex education and human sexuality. School districts shall involve parents and school district community groups in the planning, development, evaluation, and revision of any instruction in sex education and human sexuality offered as a part of the school program.

(4) Excusal of students—Alternative studies. Any parent or legal guardian who wishes to have his/her child excused from any planned instruction in sex education or human sexuality may do so upon filing a written request with the school district board of directors or its designee and the board of directors shall make available the appropriate forms for such requests. Alternative educational opportunities shall be provided for those excused.

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[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-410-140, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-140, filed 10/4/84.]

WAC 392-410-300 Equivalency course of study—Credit for learning experiences conducted away from school or by persons not employed by the school district.

(1) Credit, including high school graduation credit, may be granted for school planned or approved learning experiences primarily conducted away from the facilities owned, operated, or supervised by the district or conducted primarily by individuals not employed by the district.

(2) School planned or approved learning experiences such as, but not limited to, travel study, work study, private lessons, and educational programs sponsored by governmental agencies may be accepted for credit upon compliance with written policies established by the district.

(3) Written policies which permit the granting of credit for such out-of-school learning activities shall be adopted by the district board of directors and shall be available to students, parents, and the public upon request. Such policies shall include at least the following provisions:

(4) A proposal for approval of credit for such learning experiences shall be submitted to the personnel designated in the written policy for review, revision, and approval or disapproval prior to the experience and shall include at least the following information:

- (a) Name of program or planned learning experience;
- (b) Length of time for which approval is desired;
- (c) Objectives of the program or planned learning experience;
- (d) Which one or more of the state learning goals and related essential academic learning requirements are part of the program or planned learning experience;
- (e) Description of how credits shall be determined in accord with WAC 180-51-050(1);
- (f) Content outline of the program and/or major learning activities and instructional materials to be used;
- (g) Description of how student performance will be assessed;
- (h) Qualifications of instructional personnel;
- (i) Plans for evaluation of program; and
- (j) How and by whom the student will be supervised.

(5) The reasons for approval or disapproval shall be communicated to the students and parents or guardians.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-410-300, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.120. 00-19-106, § 180-50-300, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-300, filed 10/4/84.]

WAC 392-410-310 Equivalency course of study—Credit for correspondence courses, electronically mediated courses, and college courses. Each common school district board of directors shall adopt policies governing the acceptance of correspondence or college courses for credit, including high school graduation credit. Such rules shall limit acceptance to courses from approved schools or institutions and shall be available upon request for review by students, parents, and the public. The following are approved schools:

[Title 392 WAC—p. 407]

(1) Schools that are members of the National University Continuing Education Association or accredited by the Distance Education and Training Council;

(2) Community colleges, technical colleges, four-year colleges and universities, and approved private schools in Washington state; and

(3) Other schools or institutions, including electronically mediated schools or programs, which are approved, after evaluation of a particular course offering, by the school district.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-410-310, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.04.120. 00-19-106, § 180-50-310, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.04.120(6), 88-01-108 (Order 17-87), § 180-50-310, filed 12/22/87. Statutory Authority: RCW 28A.04.120 (6) and (8), 84-21-004 (Order 12-84), § 180-50-310, filed 10/4/84.]

WAC 392-410-315 Equivalency course of study—Credit for work based learning. School districts may accept work based learning in lieu of either required or elective high school credits if such work based learning meets the standards under subsections (1) through (5) of this section. Schools and school districts are strongly encouraged to review the nonbinding work based learning guidelines on the web site of the superintendent of public instruction in their consideration of making this credit option available to students.

(1) Definitions:

(a) "Work based learning" means a learning experience that connects knowledge and skills obtained in the classroom to those needed outside the classroom, and comprises a range of activities and instructional strategies designed to assist students in developing or fulfilling their education plans.

(b) "Work based learning agreement" means a contract that specifies the terms and conditions under which the work based learning experience shall occur. It is agreed to and signed by the school district, worksite supervisor, student, and the student's parents/guardians.

(c) "Worksite supervisor" means an adult employee or volunteer of the worksite responsible for overseeing the work based learning experience and acting as liaison between the worksite and school district.

(d) "Orientation" means a meeting conducted by a work based learning coordinator giving information to a worksite supervisor about the work based learning program of the school. The orientation clarifies program objectives, establishes support systems, and delineates the responsibilities and rights of the various parties—school/district, worksite, students, and parents/guardians.

(e) "New employee orientation" means an orientation program for the student facilitated by a worksite supervisor or designee (e.g., human resources) that identifies worksite safety procedures and practices, workers' rights and responsibilities, issues related to harassment, and employer policies, procedures and expectations. The orientation shall also include a description of the formal accident prevention program of the worksite.

(f) "Instructional work based learning" means a work based learning experience in which no appreciable benefit is rendered to the worksite by the presence of the minor student, in accordance with WAC 296-125-043.

(g) "Cooperative work based learning" means a work based learning experience in which an employer/employee relationship exists—the work performed by the student results in a net increase in productivity or profitability for the business or organization.

(2) The work based learning experience shall be connected to the education plan of the student.

(a) The education plan shall involve one or more of the state learning goals and related essential academic learning requirements.

(b) Counseling and guidance services, particularly career guidance, shall be available to students seeking work based learning experience.

(c) The education plan should relate to a specific career and/or educational pathway chosen by the student.

(d) The education plan should extend at least one year beyond high school graduation.

(3) The student shall be placed in a worksite that is appropriate to the previous learning experience and educational goals of the student and shall be formalized through a work based learning agreement and work based learning plan.

(a) The work based learning plan shall articulate the connection between the education plan of the student and the work based learning experience.

(b) The work based learning plan shall articulate clear, measurable learning objectives.

(c) Evaluation of learning progress related to the work based learning plan shall occur during the work based learning experience.

(i) Learning objectives shall be evaluated and updated on a regular basis as outlined in the work based learning agreement.

(ii) Documentation of progress shall be on file in the district as outlined in the work based learning agreement.

(4) The work based learning experience shall be supervised by the school. A work based learning coordinator shall be identified in accordance with WAC 180-77-068 and shall be responsible for:

(a) Aligning the work based learning experience to the education plan of the student;

(b) Identifying and developing work based learning sites, establishing work based learning agreements and work based learning plans, orienting and coordinating with a worksite supervisor on the work based learning site, and assessing and reporting student progress;

(c) Ensuring that a worksite supervisor:

(i) Has received an orientation on the work based learning program of the school prior to placement of the student on the worksite; and

(ii) Has provided the student with a new-employee orientation upon placement; and

(d) Applying legal requirements of the employment of minors in accordance with chapters 296-125 and 296-131 WAC, particularly on issues of occupational health and safety, discrimination, harassment, worker/employer rights and responsibilities, and work rules for minors.

(5) One credit may be granted for no less than one hundred eighty hours for instructional work based learning experience, and not less than three hundred sixty hours of cooperative work based learning experience, or one credit may be

granted on a competency basis as provided under WAC 180-51-050 (1)(b).

(a) A student participating in an instructional work based learning experience shall receive instruction supervised by the school.

(i) Instruction shall be provided by an instructor with a teaching certificate, preferably endorsed in the subject area for which credit will be awarded the student for the work based learning experience.

(ii) The work based learning experience shall be an embedded component of the instructional program appropriate to the subject area for which credit will be awarded the student for the work based learning experience.

(b) A student participating in a cooperative work based learning experience shall be legally employed and shall not be less than sixteen years old.

(i) The cooperative work based learning experience shall be supervised either by a work based learning coordinator or an instructor with a teaching certificate, preferably endorsed in the subject area for which credit will be awarded the student for the work based learning experience;

(ii) The cooperative work based learning experience shall be a direct extension of a course related to the work based learning experience and taken either concurrently with the work based learning experience or taken in a school term prior to the work based learning experience.

(6) The superintendent of public instruction shall report biennially at the state board's fall meeting on the use of the work based learning credit option authorized in this section.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-315, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.130 (8), (9), and 28A.230.100. 03-04-054, § 180-50-315, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.04.120. 00-19-106, § 180-50-315, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.04.120 (6) and (8) and 28A.05.060. 85-12-037 (Order 13-85), § 180-50-315, filed 6/3/85. Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-315, filed 10/4/84.]

WAC 392-410-320 Equivalency course of study—National Guard high school career training and Washington National Guard youth challenge program—Approval procedures. (1) School districts may accept National Guard high school career training and Washington National Guard youth challenge program participation in lieu of either required or elective high school credits. Students who are enrolled in such training or a National Guard program with the approval of the school district of last attendance shall be considered enrolled in such district for state equalization apportionment and other appropriate purposes in accord with the provisions of RCW 28A.150.310.

(2) Approval by the district shall be obtained prior to a student's participation in a National Guard career training or youth challenge program as follows:

(a) An appropriate form provided by the National Guard shall be completed and filed with the school district; and

(b) The number of credits toward high school graduation to be granted shall be calculated, agreed upon by the student and an authorized representative of the school district, and such agreement shall be noted on the form required under (a) of this subsection.

(c) Credit toward high school graduation may be granted by the school district upon written certification by a National

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Guard training unit commander or National Guard youth challenge program instructor that the student has met all program requirements.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-320, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.130. 05-23-049, § 180-50-320, filed 11/9/05, effective 12/10/05. Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-320, filed 10/4/84.]

WAC 392-410-325 Washington National Guard youth challenge program—Course content—Credits. See WAC 180-51-120.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-325, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.305.130. 05-23-049, § 180-50-325, filed 11/9/05, effective 12/10/05.]

WAC 392-410-327 Washington National Guard youth challenge program—Course content—Credits. In order to assure that an appropriate number of high school credits are awarded to students who complete a National Guard youth challenge program, whether the program involves a contract with a school district or is operated independently, the following provisions shall apply:

(1) High school credit may be awarded only if the course content is of high school level rigor as determined by and to the district's satisfaction - ninth grade or above, or meets or exceeds the state essential academic learning requirements or grade level expectations at ninth grade or above for the particular subject.

(2) In the case of a contract between a school district and a National Guard youth challenge program, the contract, pursuant to WAC 180-50-320 (2)(b), shall identify the credits the student will be awarded upon satisfactory achievement of the specific learning standards identified in the contract. Determination of satisfactory achievement rests with the school district and may include consideration of recommendations of the program instructor or representative and review of the student's performance while enrolled in the program.

(3)(a) If a student enrolls in a National Guard youth challenge program that is conducted independently, then, when a student reenrolls in a school district, the district's policy on awarding credit under WAC 180-51-050(6) shall apply.

(b) Credits may be awarded on a Carnegie unit basis as provided under WAC 180-51-050 (1)(a).

(c) Credits may be awarded on a competency basis as provided under WAC 180-51-050 (1)(b).

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-327, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.230.090. 05-23-058, § 180-51-120, filed 11/10/05, effective 12/11/05.]

WAC 392-410-330 Exceptions to graduation requirements for former educational center students. Pursuant to the provisions of RCW 28A.205.030 and chapter 392-184 WAC, the provisions of this chapter are modified in order to provide for the exemptions required by RCW 28A.205.030 for former education center students.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-410-330, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.230.090. 00-19-108, § 180-51-105, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.410.010. 94-03-103 (Order 4-94), § 180-51-105, filed 1/19/94, effective 2/19/94. Statutory Authority: 1990 c 33. 90-17-009, §

180-51-105, filed 8/6/90, effective 9/6/90. Statutory Authority: Chapter 28A.05 RCW. 84-11-049 (Order 7-84), § 180-51-105, filed 5/17/84.]

WAC 392-410-340 Equivalency credit for alternative learning experiences, nonhigh school courses, electronically mediated courses, work experience, and challenges. The board of directors of a district offering a high school diploma shall adopt written policies providing for the granting of high school graduation credit for alternative learning experiences, nonhigh school courses, work experience, and challenges. High school credits may be given for, but not limited to, the following:

(1) Planned learning experiences conducted away from the school under the supervision or with the approval of the school and linked to one or more of the state learning goals and related essential academic learning requirements;

(2) Work experience on the basis that four hundred five hours of work experience equals one credit;

(3) National Guard high school career training and National Guard youth challenge;

(4) Postsecondary courses in accredited colleges and universities. In the case of courses taken under the statutory running start option under RCW 28A.600.300 through 28A.600.400, the district shall award high school credit pursuant to RCW 28A.230.090(6);

(5) Courses in accredited or approved technical colleges;

(6) Correspondence courses from accredited colleges and universities or schools approved by the National University Education Association or the Distance Education and Training Council;

(7) Electronically mediated courses meeting standards which shall be adopted by written policy by the school district, or standards adopted by the Northwest Association of Schools and Colleges, or the Distance Education and Training Council, or the Commission for International and Trans-regional Accreditation;

(8) Other courses offered by any school or institution if specifically approved for credit by the district; and

(9) Credit based on competency testing, in lieu of enrollment or taking specific courses, may be granted by the district.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-410-340, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.230.090. 05-23-058, § 180-51-110, filed 11/10/05, effective 12/11/05; 00-19-108, § 180-51-110, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.05.060. 85-12-041 (Order 12-85), § 180-51-110, filed 6/5/85. Statutory Authority: Chapter 28A.05 RCW. 84-11-049 (Order 7-84), § 180-51-110, filed 5/17/84.]

Chapter 392-415 WAC

SECONDARY EDUCATION—STANDARDIZED HIGH SCHOOL TRANSCRIPT

WAC

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392-415-010	Purposes.
392-415-020	Definition—High school.
392-415-030	Definition—Standardized high school transcript.
392-415-040	Definitions—Credits and hours.
392-415-050	Grade reporting and calculation system.
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392-415-065	School of record.
392-415-070	Mandatory high school transcript contents—Items— Timelines.

392-415-080	School profile.
392-415-090	Requirement to inform students.
392-415-100	Transcript release procedures.
392-415-110	Standardized transcript forms.

WAC 392-415-005 Authority. The authority for this chapter is RCW 28A.305.220 as recodified as a new section in chapter 28A.230 RCW by section 418, chapter 263, Laws of 2006 which authorizes the superintendent of public instruction in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board to develop a standardized high school transcript and to establish definitions for credits and hours for use by all common school districts.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, amended and recodified as § 392-415-005, filed 11/7/06, effective 12/8/06. Statutory Authority: 1990 c 33, 90-17-009, § 180-57-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-005, filed 12/10/84.]

WAC 392-415-010 Purposes. The purposes of this chapter are:

(1) To establish standardized criteria for high school transcripts issued by all common school districts; and

(2) To establish definitions for credits, hours, and marking system so that common school district high school transcripts are standardized.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, recodified as § 392-415-010, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-010, filed 12/10/84.]

WAC 392-415-020 Definition—High school. As used in this chapter, the term "high school" shall mean all courses taken in the common school commencing with grade nine.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, recodified as § 392-415-020, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-020, filed 12/10/84.]

WAC 392-415-030 Definition—Standardized high school transcript. As used in this chapter, "standardized high school transcript" shall mean the standardized content specified in WAC 392-415-070. Such transcript usually is completed by the student's graduation from the twelfth grade but may extend for some students through the school year in which the student becomes twenty-one years of age.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, amended and recodified as § 392-415-030, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-030, filed 12/10/84.]

WAC 392-415-040 Definitions—Credits and hours. As used in this chapter, "credit" and "hour" shall mean the same as defined in WAC 180-51-050.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, recodified as § 392-415-040, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-040, filed 12/10/84.]

WAC 392-415-050 Grade reporting and calculation system. (1) The standardized high school transcript shall report the marks/grades earned by students in courses as follows. It is not required to adopt a marking/grading system that uses pluses or minuses or, if adopted, to report pluses or minuses on standardized transcripts.

(a) A	=	4.0
(b) A-	=	3.7
(c) B+	=	3.3
(d) B	=	3.0
(e) B-	=	2.7
(f) C+	=	2.3
(g) C	=	2.0
(h) C-	=	1.7
(i) D+	=	1.3
(j) D	=	1.0
(k) E or F	=	0.0

(2) The minimal passing mark/grade is D = 1.0. Nonnumerical marks/grades such as pass/fail, pass/no pass, credit/no credit, and satisfactory/unsatisfactory marks also may be used. A mark/grade of "W" shall be used to indicate a withdrawal from a course.

(3) If high school credit is awarded on a competency basis as authorized under state board of education policy WAC 180-51-050(2), the district may use either of the following options for noting the students' performance on the state standardized transcript under WAC 392-415-070:

(a) Determine locally the equivalent passing mark/grade as listed under subsection (1) of this section; or

(b) Designate "pass" or "fail" or "no pass" in the appropriate manner on the transcript.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, amended and recodified as § 392-415-050, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.305.220. 03-04-055, § 180-57-050, filed 1/29/03, effective 3/1/03; 01-24-093, § 180-57-050, filed 12/4/01, effective 1/4/02. Statutory Authority: RCW 28A.04.155. 88-13-026 (Order 15-88), § 180-57-050, filed 6/7/88; 85-01-017 (Order 18-84), § 180-57-050, filed 12/10/84.]

WAC 392-415-055 Definition—Grade point average.

(1) Each student's "grade point average" shall be the sum of the point values, as defined in WAC 392-415-050, of all the marks/grades received for all courses attempted, divided by the sum of the credits for all courses attempted.

(2) The grade point value shall be rounded by multiplying the numerical value of the mark/grade earned by the number of credits assigned to the course.

(3) Grade point averages shall be rounded to the third decimal place and reported for each trimester/semester or other term and for the cumulative credits earned for all courses attempted in high school.

(4) All marks/grades for all courses taken shall be included in the calculation of grade point averages except for:

(a) Nonnumerical marks/grades shall be excluded from the calculation of grade point averages; and

(b) Only the highest mark/grade earned for a class/course taken more than once to improve a mark/grade shall be included in the calculation of grade point averages.

This exception shall not apply to recurring courses. Recurring courses are not considered repeated courses taken for the purpose of improving a mark/grade. Recurring courses are those taken by a student to further develop their understanding and skills in the subject (e.g., journalism, advanced art or drama, concert band, etc.), or is taken by the student more than once to satisfy different credit requirements (e.g., advanced drama taken three times to meet an elective requirement, an art requirement, and the occupational education requirement).

(c) Credits attempted for courses taken more than once to improve a grade/mark may count only once toward the number of credits required for graduation.

(d) Credits attempted for courses taken more than once to improve a grade may count toward the number of credits required for graduation on the condition that the letter grades earned for all attempts are included in the calculation of the student's grade point average. Districts and schools shall not convert letter grades to nonnumerical grades/marks for the purpose of this subsection.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, amended and recodified as § 392-415-055, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.305.220. 03-04-055, § 180-57-055, filed 1/29/03, effective 3/1/03; 01-24-093, § 180-57-055, filed 12/4/01, effective 1/4/02. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-055, filed 12/10/84.]

WAC 392-415-060 Use at district level. All common school districts shall use the standardized high school transcript and the definitions of "credits," "hours," and "marking system" as specified in this chapter. The standardized high school transcript shall be used as an official record for students who commence grade nine subsequent to July 1, 1986.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, recodified as § 392-415-060, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-060, filed 12/10/84.]

WAC 392-415-065 School of record. The school of record shall be that school in which the student was most recently enrolled or is currently enrolled whichever is applicable. The school of record shall be responsible for incorporating into the student's standardized transcript the information specified in WAC 392-415-070 from all previous high schools in which the student was enrolled.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, amended and recodified as § 392-415-065, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-065, filed 12/10/84.]

WAC 392-415-070 Mandatory high school transcript contents—Items—Timelines. (1)(a) The standardized high school transcript shall contain only the information listed in subsection (2) of this section in order to meet the statutory requirements under RCW 28A.230.125 for a statewide standardized transcript.

(b) Any other information the district or school may desire to include may be stapled to the transcript or otherwise provided with the transcript. Information that is not listed below shall not be included on the state standardized transcript:

(2)(a) Authorized and required transcript information effective now:

(i) The student's legal name (last name, first name, and middle name(s) or middle initial(s)), and other or former names used;

(ii) The name(s) of parent(s) or guardian(s);

(iii) The student's birthdate (mm/dd/yyyy);

(iv) The student's school district identification number (if applicable);

(v) The school name, address, phone number, and name of the school district issuing the transcript;

(vi) A list of previous schools attended where credit was attempted (school name, city, state, and month and year of entrance and exit);

(vii) The student's academic history for all high school level courses attempted, including courses taken under RCW 28A.230.090(4) and including those courses where a student has withdrawn, and listed by report period for the grade level (month and year), course code and description, marks/grades earned as defined in WAC 392-415-050 (a mark/grade of "W" will be used to indicate a withdrawal from a course), credits attempted and earned as defined in WAC 392-415-040, grade point average as defined in WAC 392-415-055, and a report period and cumulative summary of the student's high school level academic history.

(viii) Credits attempted for courses taken more than once to improve a grade/mark may count only once toward the number of credits required for graduation, except that credits attempted for courses taken more than once to improve a grade may count toward the number of credits required for graduation on the condition that the letter grades earned for all attempts are included in the calculation of the student's grade point average. For the purpose of this subsection, districts and schools shall not convert letter grades to grades/marks not used in the grade point average calculation.

(b) Authorized and required additional transcript information in effect for students who first entered ninth grade in the 2002-03 school year. The following courses, for which college credit can be earned, shall be designated on the transcript with the designation coding indicated. Courses completed and credits earned through running start shall be noted with an "R" designation. Courses completed and credits earned through advanced placement shall be noted with an "A" designation. Courses completed and credits earned through college in the high school shall be noted with a "C" designation. Courses completed and credits earned through an international baccalaureate program shall be noted with an "I" designation. Courses completed which earn college credit through techprep and/or the corresponding credits or certification earned shall be noted with a "T" designation. Courses that meet or satisfy higher education coordinating board core course requirements shall be noted with a "B" designation. Courses completed and credits earned through an honors option shall be noted with an "H" designation.

(c) Authorized and required additional transcript information in effect beginning with students who first entered ninth grade in the 2004-05 school year:

(i) Notation that the high school and beyond plan graduation requirement was met or not met by the student;

(ii) Notation that the culminating project graduation requirement was met or not met by the student; and

(iii) If applicable, notation that the certificate of academic achievement graduation requirement was met or not met by the student; and

(iv) If applicable, notation that the certificate of individual achievement graduation requirement was met or not met by the student.

(3) Each issuance of the transcript shall include a report date (mm/dd/yyyy), graduation date (noting month and year), end of transcript record (signifying no more authorized data), office of superintendent of public instruction (OSPI) transcript form version number, and page number ('x' of 'y').

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(4) The signature of the authorized school official (name, title, and date) and seal of the district, if available. The signature of the authorized school official may be affixed electronically, subject to a written district policy that addresses signature security and assures that the authorized school official acknowledges, in writing, that affixing their signature electronically to the transcript is a legal and binding action.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, amended and recodified as § 392-415-070, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.305.220. 05-19-106, § 180-57-070, filed 9/20/05, effective 10/21/05; 04-22-059, § 180-57-070, filed 10/29/04, effective 11/29/04; 03-04-055, § 180-57-070, filed 1/29/03, effective 3/1/03; 01-09-013, § 180-57-070, filed 4/6/01, effective 5/7/01. Statutory Authority: RCW 28A.04.155. 00-19-107, § 180-57-070, filed 9/20/00, effective 10/21/00; 85-01-017 (Order 18-84), § 180-57-070, filed 12/10/84.]

WAC 392-415-080 School profile. Each school may develop a school profile to be distributed with the standardized transcript. This profile may include school characteristics such as accreditation status, school motto, school size, grades served, staff size and training, school graduation requirements, special curriculum features, and community information. The school profile may be distributed without the student's consent.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, recodified as § 392-415-080, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-080, filed 12/10/84.]

WAC 392-415-090 Requirement to inform students. Common school districts shall inform annually all high school students that prospective employers may request to see transcripts and that the student's decision to release transcripts can be an important part of the process of applying for employment.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, recodified as § 392-415-090, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-090, filed 12/10/84.]

WAC 392-415-100 Transcript release procedures. All common school districts shall adopt written procedures for the release of official student transcripts. Such procedures shall recognize the limited exception to the release of transcripts provided in RCW 28A.635.060 and shall provide that student transcripts are released to persons other than the student or the student's parents or guardians only upon the written authorization of the student or the student's parents or guardians, whichever is applicable, or as set forth in the Family Educational Rights and Privacy Act of 1974 and subsequent amendments. Except as provided in RCW 28A.635.-060, all common school districts shall provide or make available to students upon request complete copies of their high school transcripts, with graduation noted thereon, within forty-five calendar days following the student's graduation from high school.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, recodified as § 392-415-100, filed 11/7/06, effective 12/8/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-57-100, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-100, filed 12/10/84.]

WAC 392-415-110 Standardized transcript forms. The superintendent of public instruction shall make available

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to school districts standardized transcript forms that include the content specified in WAC 392-415-070.

[Statutory Authority: [RCW 28A.230.125]. 06-23-041, amended and recodified as § 392-415-110, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-110, filed 12/10/84.]

Chapter 392-500 WAC

PUPIL TESTING AND RECORD KEEPING— REQUIREMENTS—PARENTS' RIGHTS

WAC

392-500-015	Pupil tests and records—Authority.
392-500-020	Pupil tests and records—Tests—School district policy in writing.
392-500-025	Pupil tests and records—Pupil personnel records—School district policy in writing.
392-500-030	Pupil tests and records—Certain tests, questionnaires, etc.—Limitations.
392-500-035	Pupil tests and records—Diagnostic personality tests—Parental permission required.

WAC 392-500-015 Pupil tests and records—Authority. Pursuant to authority under provisions of RCW 28A.305.130, the state board of education, hereby prescribes the rules and regulations relating to pupil tests and records hereinafter in WAC 180-52-020, 180-52-025, 180-52-030 and 180-52-035 set forth.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-500-015, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-52-015, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.04.120 and 28A.31.118. 83-16-049 (Order 7-83), § 180-52-015, filed 8/1/83; Order 10-69, § 180-52-015, filed 12/5/69.]

WAC 392-500-020 Pupil tests and records—Tests—School district policy in writing. School districts shall develop and adopt written policies relative to testing, kindergarten through grade twelve, which policies shall include an outline of procedures by which parents or legal guardians of a student may become acquainted with the nature of tests and their uses in helping children.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-500-020, filed 6/22/06, effective 6/22/06; Order 10-69, § 180-52-020, filed 12/5/69.]

WAC 392-500-025 Pupil tests and records—Pupil personnel records—School district policy in writing. School districts shall develop and adopt written policies relating to (a) the type of pupil personnel records which are to be kept and the manner in which data is to be recorded; and (b) procedures by which a parent or legal guardian may upon written request examine school records pertaining to his child with professionally competent personnel present to interpret and assist in the analysis of such records.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-500-025, filed 6/22/06, effective 6/22/06; Order 10-69, § 180-52-025, filed 12/5/69.]

WAC 392-500-030 Pupil tests and records—Certain tests, questionnaires, etc.—Limitations. No written or oral test, questionnaire, survey, or examination shall be used to elicit the personal beliefs or practices of a student or his parents as to sex or religion except with the written consent of parent or guardian.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-500-030, filed 6/22/06, effective 6/22/06; Order 10-69, § 180-52-030, filed 12/5/69.]

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WAC 392-500-035 Pupil tests and records—Diagnostic personality tests—Parental permission required. Each school district shall require that there shall be on file the written consent of the parent or guardian prior to the administering of any diagnostic personality test.

[Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-500-035, filed 6/22/06, effective 6/22/06; Order 10-69, § 180-52-035, filed 12/5/69.]